Reserve C S T R

W., 10,000--20/9/98.

Croydon Public Libraries.

Central Reference Library.

Accession No. 8714 Class No. 9354.41

Besides the class topic, other topics treated of in this book are as follows :—

Topic No.	Pages.	Topic No.	Pages.

This Volume is presented *by the Lords Commissioners of Her Majesty's Treasury*

*to*_____

and will, in the event of the Library being broken up, be returned to the Controller of Her Majesty's Stationery Office, Westminster.

(8)

LONDON PUBLIC LIBRARIES CENTRAL

BROMLEY LIBRARIES

3 0128 01927 8145

Digitized by the Internet Archive
in 2026

https://archive.org/details/registerofprivyc0010davi

CROYDON PUBLIC LIBRARIES CENTRAL

THE REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

To be purchased, either directly or through any bookseller, from

JOHN MENZIES & CO., 12 HANOVER STREET, EDINBURGH, and 88 and 90 WEST NILE STREET, GLASGOW;

EYRE & SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, LONDON; or

HODGES, FIGGIS, & CO., 104 GRAFTON STREET, DUBLIN.

THE REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND

EDITED AND ABRIDGED BY

DAVID MASSON, LL.D.,

PROFESSOR OF RHETORIC AND ENGLISH LITERATURE IN THE UNIVERSITY OF EDINBURGH.

CROYDON PUBLIC LIBRARIES CENTRAL

VOL. X.

A.D. 1613–1616.

PUBLISHED BY THE AUTHORITY OF THE LORDS COMMISSIONERS OF
HER MAJESTY'S TREASURY, UNDER THE DIRECTION OF
THE DEPUTY CLERK REGISTER OF SCOTLAND.

H. M. GENERAL REGISTER HOUSE,
EDINBURGH.
1891

954·41

8714

BROMLEY PUBLIC LIBRARIES
AL
45
CLASS
L 45
ACC
01927 8145

PRINTED FOR HER MAJESTY'S STATIONERY OFFICE
BY NEILL AND COMPANY, EDINBURGH.

CROYDON PUBLIC LIBRARIES CENTRAL

INTRODUCTION.

In March 1613, when our present volume opens, the following was the constitution of the Privy Council :—

MEMBERS WITH MINISTERIAL OFFICE.

Alexander Seton, 1st Earl of Dunfermline: *Lord High Chancellor and Premier.*
Sir John Preston of Penicuik (Lord President of the Court of Session): *President of the Council in the absence of the Chancellor.*
Sir Thomas Hamilton, *Secretary of State.*
Sir Gideon Murray of Elibank, *Treasurer Depute.*
Sir Alexander Hay of Newton (Senator of the College of Justice): *Lord Clerk of Register.*
Sir Richard Cockburn of Clerkington (Senator of the College of Justice): *Lord Privy Seal.*
Sir John Cockburn of Ormiston, *Lord Justice Clerk.*
Sir William Oliphant (Senator of the College of Justice): *Lord Advocate.*
Sir Peter Young of Seytoun, *Eleemosynar.*

ECCLESIASTICAL MEMBERS.

George Gledstanes, Archbishop of St Andrews.
John Spotswood, Archbishop of Glasgow.
David Lindsay, Bishop of Ross (*ætat.* 83).
Alexander Forbes, Bishop of Caithness.

LAY PEERS.

James Hamilton, 2nd Marquis of Hamilton (*ætat.* 23 and recently admitted).
Archibald Campbell, 7th Earl of Argyle.
John Erskine, Earl of Mar.
George Keith, 4th Earl Marischal.
John Graham, 4th Earl of Montrose.
John Kennedy, 5th Earl of Cassillis.
James Cunningham, 6th Earl of Glencairn.

Alexander Livingston, 1st Earl of Linlithgow.
John Fleming, 1st Earl of Wigtown.
Patrick Lyon, 1st Earl of Kinghorn.
James Hamilton, 1st Earl of Abercorn.
Robert Ker, 2nd Earl of Lothian.
Thomas Erskine, Viscount Fenton, Lord Dirleton (generally resident in England).
Robert Ker, Lord Roxburgh.
David Murray, Lord Scone.
Walter Stewart, 1st Lord Blantyre.
William Cranstoun, 1st Lord Cranstoun.

LAIRDS AND LAWYERS WITHOUT MINISTERIAL OFFICE.

Alexander Elphinstone, Master of Elphinstone (styled occasionally "Lord Kildrimmie" from the name of his property).
Sir Robert Melville of Burntisland (Senator of the College of Justice).
Sir William Livingston of Kilsyth (Senator of the College of Justice).
Sir John Arnott of Birswick, Lord Provost of Edinburgh (formerly *Treasurer-Depute*).
Sir Alexander Drummond of Medhope (Senator of the College of Justice).
Mr George Young (of Wilkiestoun in Fife).

Of these thirty-six persons the following seven died in the course of the three years and ten months over which the present volume extends: David Lindsay, Bishop of Ross (14th August 1613); George Gledstanes, Archbishop of St Andrews (2nd May 1615); the Earl of Kinghorn (19th December 1615); Mr George Young (27th December 1615); Sir John Arnott (21st January 1616); Clerk Register Sir Alexander Hay (16th February 1616); President Sir John Preston (14th June 1616). The following is a list of the additions made to the Council, and of other incidents affecting its composition and the designations of its members, during the same three years and ten months:—

April 16, 1613:—Sir William Livingston of Kilsyth appointed to the household office of *Vice-Chamberlain*, because of the necessary absence in England of the Duke of Lennox, *Lord High Chamberlain*. See pp. 46–47.

August 3, 1613:—Michael Balfour, Lord Balfour of Burley, readmitted to the Council after nearly nine months of exclusion from it for offence given to the King. See *ante*, Vol. IX. pp. 504–5, and *post*, p. 125 and p. 132.

October 27, 1613:—The King's favourite, Robert Ker, Viscount Rochester of the English peerage, admitted of the Privy Council in his absence, by virtue of a warrant from the King, and certification that he had

taken the necessary oaths before the King himself, at Finchinburgh nine days before, in the presence of the Bishop of Caithness, Treasurer Depute Sir Gideon Murray, and Secretary Sir Thomas Hamilton. See pp. 157–158. Although the new Councillor was not likely ever to be in his place in the Council, or indeed to be much in Scotland, there were reasons for the appointment. He had just succeeded in obtaining the divorce of his paramour, Lady Essex, from her husband the Earl of Essex, and was on the point of marrying her. His friend Sir Thomas Overbury, who had been dissuading him from the marriage, had died in his prison in the Tower on the 15th of September preceding.

November 25, 1613:—Sir Andrew Ker of Oxenhame admitted of the Privy Council by his Majesty's warrant dated at Royston 27th October. See p. 170 and p. 171. He was the eldest son of Sir Andrew Ker of Fernihirst, who was the half-brother of the King's favourite, Viscount Rochester, and was afterwards (*i.e.*, in 1622) created Lord Jedburgh. The new Councillor was therefore a nephew of the favourite by his father's side, though there can have been no great difference between their ages.

November 30, 1613:—His Majesty's patent under the Great Seal read in Council raising Secretary Sir Thomas Hamilton to the peerage under the title of Lord Binning. See pp. 174–175.

Same Day:—The recently appointed new Councillor Sir Robert Ker of Oxenhame charged with the command of the garrison of the Middle Shires and the other services to the Council hitherto performed by his kinsman Sir Robert Ker of Ancrum, who has been called to England by his Majesty to be in attendance on Prince Charles. See p. 176.

December 23, 1613:—Commission issued under the Great Seal appointing the King's favourite, Robert Ker, Viscount Rochester, now Earl of Somerset, to the great office of *Lord High Treasurer of Scotland*, vacant since the death of the Earl of Dunbar in January 1611. See p. 200, footnote. Three days afterwards (*i.e.* 26th Dec.) the Earl married his paramour, the divorced wife of the Earl of Essex. There can be no doubt that the revival in his favour of the great Scottish office of the *High Treasurership* after it had been three years in abeyance was intended to herald his assumption of an open supremacy thenceforth in Scottish affairs, or a co-supremacy with Chancellor Dunfermline. His influence in Scottish affairs had been already in operation for some time,—for a year or two before even his recent admission (27th October 1613) to a nominal membership of the Scottish Privy Council. At all events it is an error to date, as some authorities do, the accession of Sir Gideon Murray of Elibank to the office of *Treasurer-Depute* as having happened by the direct act of the Earl of Somerset after his own appointment to the *High Treasurership* in the end of 1613. Sir Gideon Murray had been *Treasurer Depute*, in succession to Sir John Arnott, since December 1612. Not the less may the appointment of Murray to the Deputeship, and other acts of 1612 and 1613, have been fingerings by the favourite in preparation for his own introduction into the Scottish Council and the dignity of the High Treasurership.

February 24, 1614:—Sir John Skene of Curriehill readmitted a member of the Council by warrant from his Majesty. See p. 210 and footnote. In consequence of an obscurely expressed sentence in Spotswood's *History*, the accepted tradition has hitherto been that this old lawyer and judge, so famous by his *Regiam Majestatem* and other works, had died in 1612 from vexation at having been entrapped into the resignation of his lucrative office of the Clerkship of Register without having secured the recompense on which he had calculated. Here, however, we find him still alive in February 1614, and still treated then with honourable respect. Some light is thrown upon what had passed since his retirement, and on the cause of his public reappearance now, by particulars of his biography contained in Dr W. F. Skene's "Memorials of the Family of Skene of Skene," published in 1887 by the New Spalding Club. His resignation of the Clerkship of Register in 1612, it is there explained (p. 111), had been by a family arrangement with his eldest son, Mr James Skene, and in accordance with a bond executed between them, so long ago as 1606, to the effect that the son, if he succeeded to the office by the father's resignation, should pay to his said father, during the said father's life-time, all the fees of the office. The son having, on his visit to London at the time, so mismanaged the business of the resignation as to let the Clerkship of Register go to the Lord Advocate, Sir Thomas Hamilton, while he himself was put off with the much poorer office of an Ordinary Judgeship in the Court of Session, the father had been the immediate loser, and had naturally been much incensed. The vexation, however, had by no means killed him; for in an Appendix to the above-mentioned Spalding Club volume (pp. 186–192) there are documents proving his continued wrangling through 1613 and part of 1614 with his son, now Sir James Skene, and with others of the family, over their money differences. These documents show that his Majesty was taking all the pains he could to pacify the old judge, and to bring about a reconciliation between him and his son. They show also that it was still on the subject of the lost emoluments of the Clerkship of Register that Sir John was sore, and that his notion was that there might be some arrangement still for his partial compensation by pickings for himself and his family out of those emoluments. That might not be so easy, now that Sir Thomas Hamilton, who had succeeded to the office in 1612, had parted with it to Sir Alexander Hay, and was now in the Secretaryship as Lord Binning. Would not Sir Alexander Hay be more difficult to deal with? Such was the state of the case when Sir John was recalled to a place in the Privy Council. That might be at least an honorary solatium! Sir John accepted it as such, and did take his seat in some of the subsequent meetings.

April 6, 1614:—Sir Andrew Ker of Oxenhame, admitted into the Council in the preceding November, and then charged with the command of the garrison of the Middle Shires in succession to his kinsman Sir Robert Ker of Ancrum, is now appointed to succeed the same Sir Robert Ker of Ancrum in the larger and more general office of Captain of all his Majesty's Guards in Scotland,—*i.e.*, head of the King's mounted police,

not for the Borders only, but also for all the rest of the realm. See p. 231.

October 22, 1614:—George Sinclair, Earl of Caithness, admitted of the Council, in virtue of a warrant from the King dated from Royston the 15th of the same month. See p. 278 and p. 280. He took his oath and seat on the 15th of November following (p. 286). The honour was in recognition of an important piece of public service in which the Earl had just been engaged, and of which an account will be given in due course.

March 30, 1615:—Patrick Lindsay, recently parish minister of St Vigeans in Angus, but who had been Bishop of Ross since December 1613 in succession to his father, old Bishop David Lindsay, is admitted of the Council by his Majesty's warrant. See p. 319 and footnote.

July 11, 1615:—Spotswood, hitherto Archbishop of Glasgow, takes his seat for the first time in Council with his new title of Archbishop of St Andrews, having been appointed to the Primacy in consequence of the death of Archbishop Gledstanes on the preceding 2nd of May. See sederunt pp. 357–358.

Same Day:—Sir William Alexander of Menstrie admitted of the Council, in virtue of the King's warrant from Whitehall on the 1st of the same month. Now remembered chiefly for his poetical celebrity, Alexander was then known more substantially as one of the most prosperous of the London Scots habitually in attendance on the King and on Prince Charles at their English Court. He had been of late, however, much in Scotland in an official character, having been appointed Master of Requests for that kingdom; and he was the leading partner in several Scottish mining concerns. See pp. 358–9 and footnote.

August 23, 1615:—James Law, hitherto Bishop of Orkney, but who had been appointed Archbishop of Glasgow on the preceding 20th of July in succession to Spotswood, is admitted of the Council. See p. 381 and footnote.

October and November 1615:—All London in excitement over the horrible business of the Overbury mystery,—*i.e.*, with the discovery that the death of Sir Thomas Overbury in the Tower on the 15th of September 1612 had been by slow poisoning. After months of preliminary investigation, the four subordinate agents in the murder had been at last brought to trial, convicted, and hanged:—viz., Mrs Anne Turner, a fashionable dealer in cosmetics, who had obtained the poison; Franklin, an apothecary, from whom she had purchased it; Weston, a warder in the Tower, who had from time to time administered it; and Sir Gervase Helwys, Lieutenant of the Tower, who had been aiding and abetting in the crime. Not yet tried, however, but under arrest, and waiting their trial, were the two persons to whom all the evidence pointed as the principals in the crime; and these were no other than the King's favourite, Robert Ker, formerly Viscount Rochester, and now Earl of Somerset (*Carr* he is always called in English Histories), and his Countess, Lady Frances, the lately divorced wife of the Earl of Essex. Whether merely because of Overbury's opposition to the divorce of the Countess from her former husband and her

marriage with Rochester, or because Overbury was in possession of some fatal secrets affecting Rochester and the Countess, if not also the King himself, it had been resolved to get rid of him, and the affair had been managed by the above-named agents in such a way that the suspicious circumstances of the death had been hushed up at the time.—As Somerset had been for nearly two years *Lord High Treasurer of Scotland*, the news of his disgrace and fall must have come upon the Council, and especially on his kinsmen and clients in it, as a stunning shock. There is, of course, no mention of the matter in the Minutes of the Council; but the Councillors must have talked about it among themselves, and the rumour of the great scandal must have been running through all Scotland.—Meanwhile the wretched pair in London were waiting their trial. It was Bacon, as English Attorney General, that was to conduct the prosecution; and it was certain that he would manage the case as dexterously as possible towards the issue which the King might desire. Among the superb ceremonials in London in honour of the marriage of Somerset and the divorced lady in December 1613 had been a masque, called "the Masque of Flowers," got up by Bacon at an expense of £2000.

January 9, 1616:—George, Lord Gordon, otherwise called sometimes Earl of Enzie, eldest son and heir of the Marquis of Huntly, admitted of the Council by the King's warrant. See p. 440 and footnote.

February 27, 1616:—Walter Scott, 2nd Lord of Buccleuch, admitted of the Council by the King's warrant. His father, the 1st Lord of Buccleuch, had been of the Council before him, but had died on the 5th of December 1611. See p. 464 and footnote.

March 26, 1616:—Sir George Hay of Netherclift admitted of the Council, and to the office of *Clerk of Register*, by warrant from his Majesty, in succession to Sir Alexander Hay, who had recently died. See p. 483 and footnote.

March 28, 1616:—Robert Lindsay, 9th Lord Lindsay of Byres, admitted of the Council. He took his oath and seat on the occasion, but does not seem to have been ever present again, and died in the following July. See p. 485 and footnote.

April 30, 1616:—Three new Councillors admitted, all by royal warrant:—George Seton, 3rd Earl of Winton; John Drummond, 2nd Earl of Perth; and Mr Peter Rollok of Piltoun. See pp. 505–6 and footnotes. In the admission of the first two there was nothing extraordinary; but the third admission is more peculiar. It was, in fact, the readmission of a veteran who had been of the Council and a conspicuous man in Scottish affairs for a long stretch of years previously (from 1587 to 1610), but has been little heard of in the interval. He had been for a long while titular or lay Bishop of Dunkeld, and also an Extraordinary Lord of Session; to which last dignity, after having been removed from it, he had been restored in 1610, apparently by way of compensation for his omission then from the list of the reappointed Council.

Same Day:—Admitted of the Council, at a separate sederunt, or rather

readmitted, Robert Melville, 1st Lord Melville of Monimail. See pp. 513–514. This is no other than the aged Sir Robert Melville of Murdocairny, who had been of the Privy Council in Queen Mary's reign, and has figured, continuously or intermittently, as Councillor, State-Official, Lord of Session, &c., in the Register of the Council ever since. In recognition of his long services he had that same day been raised to the peerage; and, though now in his eighty-ninth year, he was to live five years more. The other Sir Robert Melville of the Council,—Sir Robert Melville of Burntisland, Lord of Session since 1601,—was his son.

May 1616:—The trials of the Earl of Somerset and his Countess for the murder of Sir Thomas Overbury took place in Westminster Hall in the end of this month. They were both found guilty,—the Countess on her own confession, and the Earl on the evidence,—and were condemned to death. That they were to be pardoned was already known; and their release from confinement, with ample means for future lives of easy privacy, was to come in time. The *Lord High Treasurership of Scotland*, virtually vacant already for some months, was now vacant actually.

June 18, 1616:—Sir James Skene, Lord of Session, admitted of the Council in lieu of his father, Sir John Skene of Curriehill, the King's warrant bearing that this honour to the son is a special mark of his Majesty's "love and respect" for the father, who desires now in his old age "to retire himself from the charge and trouble of publict affairs to a more privat and easie kynd of life." See p. 540. Thus Sir John is only retiring three years or more after the common tradition, for which Spotswood's bungling phraseology is responsible, will have it that he was dead. It is clear that a reconciliation between the father and the son had by this time been effected. One notes also that the old judge's hope of some solatium for the loss to himself and his family of the emoluments of the Clerk-Registership by his son's mismanagement of that affair four years previously was not quite disappointed. At p. 556, under date 2nd July 1616, will be found an entry showing that one of the younger sons, Mr John Skene, was appointed by the new Clerk Register, Sir George Hay, to a deputyship in his office; and another of the sons, Mr Alexander Skene, appears to have been already in the Council's service in "the office of the hornings."

July 5, 1616:—In consequence of the death of Sir John Preston of Penicuik on the 14th of June preceding, the honorary Presidency of the Council in the absence of the Chancellor had become vacant, as well as the more substantial Presidency of the Court of Session which Sir John had held since 1609. To this latter Presidency who so fit to be appointed as Thomas Hamilton, known for the last year or two by his peerage-title of Lord Binning? Accordingly, he had been elected to that Presidency on the very day after Preston's death; and now, by his Majesty's warrant from Greenwich, dated 24th June, he had corresponding promotion in the Council, and was to conjoin the honorary office of President of the Council in the Lord Chancellor's absence with the office of the Secretaryship as held by him since 1612. See p. 560 and footnote. "Tam o' the

Cowgate," as people will persist in calling this remarkably able man, had been ascending steadily, and was to ascend still higher.

July 9, 1616:—President Preston's death having left vacant also one of the revenue offices known as Commissionerships of the King's Rents, and all held by Councillors, that office was bestowed on Sir William Livingston of Kilsyth. See pp. 561–2.

July 23, 1616:—James Colvill, 1st Lord Colvill of Culross, but known before 1609 as Sir James Colvill of Easter Wemyss, admitted of the Council by the King's warrant. See pp. 582–3 and footnote.

August 1, 1616:—Sir Andrew Hamilton of Reidhouse, Senator of the College of Justice since 1608, and brother of President and Secretary Binning, admitted of the Council. See p. 594 and footnote.

December 17, 1616:—The vacancy in the office of *Lord High Treasurer* caused by the fall and disgrace of Ker, Earl of Somerset, is filled up by the appointment to that office of John Erskine, Earl of Mar, the King's intimate friend since the days of their education together under George Buchanan in Stirling Castle, and now in the fifty-ninth year of his age. For an account of his induction into the great office, with the ceremonial of the delivery to him of the white staff and mace of the Treasurership, see pp. 674–676. It will there be seen that the subordinate revenue offices of the "Comptrollership" and the "Treasurership of the New Augmentations" remained still annexed to the "High Treasureship," or incorporate with it, as had been arranged in August 1610, when the High Treasurership was held by the late Earl of Dunbar (*ante*, Vol. IX. p. vii). It may also be noted that, simultaneously with the induction of the Earl of Mar into the High Treasurership, vacancies in the Commission of the Councillors charged with the management of his Majesty's Rents were filled up by the appointment of Archbishop Law of Glasgow, Clerk Register Sir George Hay, and Lord Advocate Sir William Oliphant. The other members of the Commission were the Chancellor, the High Treasurer, Archbishop Spotswood, Lord Binning, Treasurer Depute Sir Gideon Murray, and Sir William Livingston of Kilsyth.

Combining this list of additions to the Council, and other changes in it between the beginning of March 1613 and the end of December 1616, with the previous list of the thirty-six who formed the Council at the earlier of these two dates, we find that fifty-four persons in all were of the Council in the course of the range of time which this volume includes.———Of the thirty-six original members of March 1613, two never appeared in the Council at all through the period of this volume: viz., old Bishop David Lindsay of Ross, who lived but five months into the period, and Viscount Fenton, who resided in England, and whose nomination on the Scottish Council had been for honorary

purposes only. One of the same thirty-six,—the Earl Marischal, —made but one appearance in Council in the whole course of the three years and ten months; and two,—the Earl of Montrose and the Earl of Wigtown,—made but two or three appearances each. This leaves but thirty-one of the original thirty-six as in any sense effective members; but even among these there were great diversities of assiduity. By far the most regular in attendance were these ten:—Chancellor Dunfermline himself, President Sir John Preston (till his death in June 1616), Secretary Sir Thomas Hamilton (known as Lord Binning from November 1613 onward, and as conjoining the Presidentship with the Secretaryship after June 1616), Treasurer-Depute Sir Gideon Murray, Clerk Register Sir Alexander Hay (till his death in February 1616), Privy Seal Sir Richard Cockburn, Justice-Clerk Sir John Cockburn, Lord Advocate Sir William Oliphant, Sir William Livingston of Kilsyth, and Sir Alexander Drummond of Medhope. The first eight of these were bound to be constantly present by the ministerial offices which they held; and the last two, as judges in the Court of Session, were always conveniently near for Council business as well. Of the ten the distinction of having been at the very top of the list for regularity belongs to Lord Advocate Oliphant. There were about 380 meetings of Council in all in the course of the three years and ten months, or at the rate of about two a week on the average; and Oliphant seems hardly to have skipped a single meeting all the while. If, however, Chancellor Dunfermline and Secretary Binning missed a score or so of meetings at which Oliphant was present (and the difference did not amount to more), this was owing to their having been sometimes called to Court on important business. Next to the ten mentioned for assiduity of attendance may rank the following of the original thirty-six, in the following order,—the Master of Elphinstone, Sir John Arnott (till his death in January 1616), Archbishop Spotswood (as Archbishop of Glasgow till July 1615, and thenceforward as Archbishop of St Andrews), Sir Robert Melville of Burntisland, the Earl of Lothian, Bishop Forbes of Caithness, and Archbishop Gledstanes (till his death in May 1615). The lowest of these may be taken as having attended

one meeting out of three or thereabouts. Somewhat less frequent on the whole, but ranging from about one meeting in four to one in five, were Lord Blantyre, Sir Peter Young (the King's old pedagogue under George Buchanan, and still fond of pottering about the Council when he could be in Edinburgh), Mr George Young, the Earl of Cassillis, and Lord Cranstoun; after whom, attending at longer intervals, come the Earl of Mar, the Earl of Glencairn, the Marquis of Hamilton, Lord Scone, and the Earl of Linlithgow. At still longer intervals, and noted as present but about five and twenty times each through the entire period, come the Earl of Kinghorn, Lord Roxburgh, the Earl of Argyle (now very much in England), and the Earl of Abercorn (who had transferred himself in great measure to Ireland).—— All the original thirty-six having been thus accounted for, it remains to take similar account of the eighteen new members who were admitted at various times subsequently. Lord Balfour of Burley, admitted, or rather readmitted, in August 1613, seems to have been still somewhat sore on the subject of his former exclusion; for his recorded appearances after his re-admission were fitful, and not more than about 50 in all. The notorious Rochester or Somerset, admitted by special royal favour in October 1613, and actually Lord High Treasurer of Scotland from December 1613 to his conviction and disgrace in May 1616, never set his foot in the Council at all, and so saved it from too definite a recollection of the black shadow cast upon its disc for two years by his nominal transit. His kinsman, Sir Andrew Ker of Oxenhame, however, admitted of the Council in November 1613, and soon after promoted to the Captaincy of the Border garrison and of the King's Guard generally, was a very active man in the Council thenceforth. Old Sir John Skene of Currie-hill acknowledged the compliment of his readmission into the Council in February 1614 by attending eight or nine meetings, but then dropped off; and he resigned altogether in June 1616. The Earl of Caithness, called into the Council in October 1614, gave pretty continuous attendance for a while, but then vanished, being in disfavour for several reasons. Patrick Lindsay, his father's successor in the Bishopric of Ross, and admitted of the

Council in March 1615, to strengthen the ecclesiastical element there, did strengthen it considerably by his attendance from that date forwards; and it was still further strengthened by the admission in August 1615, and the pretty steady attendance thenceforth, of Law, the new Archbishop of Glasgow in succession to Spotswood. The admission of the poetical Sir William Alexander of Menstrie in July 1615 must have been either a purely honorary mark of distinction for that London Scot on the occasion of a longer visit of his to Scotland than was usual, or for some practical purpose connected with the business of that visit; for after a few attendances one hears no more of him at the Council board, and has to imagine him back in London. Lord Gordon, admitted in January 1616, appeared in the Council about twelve times afterwards. Lord Buccleuch, admitted in the following month, was a more substantial accession, having been present more than thirty times through the rest of 1616. For some reason or other, Sir George Hay of Netherclift, who came into the Council in March 1616 in the office of Clerk of Register, in succession to his deceased namesake Sir Alexander Hay, is found much less frequently present through the remaining nine months of the year than might have been expected from his official rank,—not more than about seven times in all. Lord Lindsay, admitted in the same month, attended but once, and died so soon after that he need hardly be counted. The Council was more fortunate in the three who were admitted simultaneously on the 30th April 1616: viz. the Earl of Winton, the Earl of Perth, and Mr Peter Rollok. Winton attended with respectable frequency through the remaining eight months; Perth attended occasionally; and old Mr Peter Rollok attended with a regularity which shewed his renewed appetite for the work with which he had been familiar through so many years of his former life. It was very different with Rollok's former comrade at the Council board, the aged Sir Robert Melville of Murdocairny, readmitted the same day under his new peerage-title of Lord Melville. That one day of attendance was enough for a man who was verging on his ninetieth year, and whose son, Sir Robert Melville of Burntisland, was serving in the Council actively enough for both. There was

a similar adjustment of matters between father and son in June 1616, when Sir James Skene was admitted in place of old Sir John Skene of Curriehill, save that Sir John Skene then actually retired from the Council in his son's favour. Sir James Skene, being able to pass easily from his judge's bench in the Court of Session to his seat at the Council board, was a very efficient substitute for his retired father, and attended the Council for the remaining months of 1616 about as regularly as Mr Peter Rollok. Lord Colvill of Culross, admitted on the 23rd of July 1616, did not avail himself much of the honour during the five following months; but Sir Andrew Hamilton of Reidhouse, who was admitted a week later, to be thenceforth one more connecting link between the Court of Session and the Council, shewed such alacrity in his new duties as was to be expected in a brother of Lord President and Secretary Binning, and gave an amount of attendance which promised well for his future efficiency.—— Occasionally in the course of the three years and ten months the Register shows the presence in the Council of some one not regularly of the body. Thus, before Law was Archbishop of Glasgow, he had been thrice present as Bishop of Orkney,—once in May 1613 (p. 62), again in August 1614 (p. 262), and again in January 1615 (p. 299); on which last occasion Lindsay, Bishop of Dunkeld, and Graham, Bishop of Dunblane, were also present. Andrew Knox, Bishop of the Isles, was twice present,—once in June 1615 (p. 346), and again in July 1616 (p. 587). Law's successor in the Bishopric of Orkney (*i.e.* Graham) is noted as having been present once,—viz. in May 1616 (525). The Duke of Lennox, who had the privilege of the blood-royal for appearance in the Council when he chose, but whose habitual residence in England made the privilege very seldom available, did use it in August 1616, when he chanced to be in Scotland (p. 592 and p. 595).—— It is not to be forgotten that the Clerk of the Council all the while, and therefore at the centre of its affairs and continually present in its meetings, was still Mr James Primrose, nor that his father, Mr Archibald Primrose, who was so indispensable a man in certain financial departments of the Council's business that there had been an express order of the King as long ago as December

1610 allowing his presence in the Council (*ante*, Vol. IX. p. 588), was still as much about the Council as ever, and apparently with the exceptional licence in his favour still unrepealed.

We are still, it is to be remembered, only in a continuation of that long period of the Scottish Annals through which we have been moving for three volumes already, and which, when students of Scottish History know Scottish History with any definiteness, and not, as hitherto, in mere vague blur, will be distinguished as THE CHANCELLOR-PREMIERSHIP OF DUNFERMLINE. This Chancellor-Premiership, it is also to be remembered, was still, as it had been from the first, but a form of that absolute government by King James himself under which Scotland, after some throes of resistance during the last years of his residence within her bounds, had been reduced irremediably since he ruled her from the vantage-ground of his English sovereignty. Now, as for so many years already, James was still in his own person the absolute master of Scotland, supervising Scottish affairs with unceasing vigilance, and regulating everything Scottish by his missives from his English Court; and Chancellor Dunfermline and the rest of the Scottish Ministry and Council in Edinburgh were practically and consciously but the executors of the royal mandates, with no power of their own save in such matters of routine as were left necessarily to their discretion. Through the time included in our present volume there is not even such a ripple of disturbance of the ordinary relations between his absent Majesty and the Edinburgh Council as might have been caused by the meeting of a Scottish Parliament. The last Parliament had met in October 1612, and there was not to be another till June 1617.

The essentials of Scottish History through the time before us may be distributed under a series of headings, the information under each heading to be thrown as much as possible into the form of a chronological narrative for that subject by itself:—

CONTINUED PERSECUTION OF THE CLAN GREGOR.

How thoroughly the Macgregors had been crushed by the ruthless and unintermitted severities of the preceding years may

be gathered from the very first document in the Macgregor business. It is the King's own letter, of date 11th March 1613, printed at pp. 807–8 as the first of the Miscellaneous Privy Council Papers. The Earl of Argyle, his Majesty's Lieutenant and Plenipotentiary in all the recent bloody work which called itself "the service against the Macgregors," was then, it appears, with his Majesty at the English Court; and there had been consultation between them as to the state of the Macgregor business in particular. "Who doeth informs us," his Majesty writes to the Scottish Privy Council in consequence, "that all of "that race who wer gevin in bill to him to be persewit ar either "slane, execute be law, or have compeirit befoir you, changeit "thair names, and found souritie for thair good behaviour in "tyme comeing, excepting onlie Allester M'Allester Vreik and "Duncane M'V'Eandowy, and thair followers, to the number of "24 personis, with some poore creatures who, notwithstanding "of thair innocencie, dar nocht compeir befoir yow, fearing to be "imprisouned for laik of meanes to find cautioun as otheris have "done." Taking this in conjunction with the most recent facts in the Macgregor business already known to us (*ante*, Vol. IX. pp. xl–xli), we see the exact state of the business in March 1613. The clan was by that time utterly broken up and dispersed, with the exception of the two persons named and about 24 others in their company, who were still keeping together and fugitive hither and thither through the Mid-Highlands. All the rest, all that had borne the name of Macgregor and had not been shot down or hanged, were distributed, under changed names, over the estates of many different Highland landlords,—the men deprived of everything in the shape of a weapon beyond one pointless knife with which to cut their food, and the widows and children of those who had been slaughtered or hanged huddled away as much as possible in batches by themselves out of the Highland bounds. There might, indeed, his Majesty believed, be a few miserable Macgregor creatures undetected here and there, besides the armed remnant of the 24 above-mentioned; but they were of little consequence. His Majesty's instructions to the Council say little more, therefore, about those "poor creatures"

than that steps should be taken for bringing them in and ticketing them in the ordinary way without troubling the Earl of Argyle further for their pursuit; and it is to the still outstanding and armed remnant of the 24 that the instructions chiefly refer. For the capture of "these few lymmeris," lest they should be ringleaders of future mischief, he instructs the Council to treat the crime of resetting them as worthy of double the punishment hitherto decreed for reset of fugitive Macgregors in general. The fine for ordinary reset of a Macgregor had been one-tenth of the means of the convicted resetter as ascertained by valuation; but the fine for reset of any of the still outstanding 24 ought to be one-fifth of the offender's means. That his Majesty had little doubt, however, that the 24 outstanding "lymmeris" would soon be brought to justice, is evident from an accompanying additional instruction. This was that, as soon as the entire number of the still outstanding Macgregor rebels should be reduced to 12 persons, the names of these 12 should be advertised over the kingdom, with intimation that the landlords on whose lands any of them should be afterwards found should be liable not only to the ordinary pecuniary penalties of reset, but also personally for all the crimes, past or to come, that might be proved against those to whom they had thus given shelter. When there were but 12 outstanding Macgregors to be dealt with, and their names had been advertised, the Earl's work was to be considered at an end, and he was not to be obliged to maintain any longer the armed force he had been keeping in pay hitherto for the special service of his lieutenancy against the Clan Gregor.

By this time, in fact, the chief interest of the long Macgregor business had passed almost entirely, both for his Majesty and the Earl of Argyle, into a question of the amount of money-profit that might be made out of it:—In November 1611, the reader must be reminded, commissions of lairds and gentlemen had been appointed in all the shires and districts where there was likely to have been, or might still be, reset of the Macgregors, charging the lairds and gentlemen so commissioned to ascertain and report to the Council what persons within their several shires and districts, out of lists to be furnished them by the Earl of Argyle

of those accused by him of reset of any outlawed Macgregor since the 1st of August 1610, had actually been guilty of such reset, —the Council afterwards to fix the fines to be exacted from the guilty persons in proportions corresponding to their estimated means, and the fines so levied to go to the Earl of Argyle, by way of recompense for the trouble of his Lieutenancy. (See *ante*, Vol. IX. pp. xxxix-xl, and pp. 285–287). The area over which the investigation was to be made had been subsequently somewhat extended (*ante*, Vol. IX. p. 437), and crops of fines had already been exacted from two of the districts included (*ante*, Vol. IX. pp. 328–9 and pp. 520–1). It is in the present volume, however, that the results appear in full dimensions. At pp. 31–32, under date 28th April 1613, will be found his Majesty's missive of the 11th of March preceding,—*i.e.*, of the same date as the letter just described and quoted from,—appointing Chancellor Dunfermline, Archbishop Spotswood, Secretary Sir Thomas Hamilton (not yet Lord Binning), Clerk of Register Sir Alexander Hay, Deputy Treasurer Sir Gideon Murray, and Lord Advocate Sir William Oliphant, to be a Committee of the Council for the express purpose of attending to the work of settling and exacting the fines to be imposed upon the resetters of the Macgregors. The Committee appear to have entered on the work with vigour; for at pp. 51–55, under date 19th May 1613, will be found a list of about 107 persons fined for reset of Macgregors in the shires of Perth and Inverness, on report from the commissioners for those shires, with the sums in which they were fined respectively. These vary from 2000 merks and £1000 Scots for several offenders of lairdly rank down to 10 merks Scots for offenders of the lowest rank; and the total amount is about £10,000 Scots. About a fortnight afterwards, viz. on 3rd June 1613, the Earl of Argyle is found suing before the Council 12 of a previous batch of persons who had been adjudged in fines for the same cause, and had been put to the horn for non-payment, and obtaining decreet against their landlord, the Laird of Grant, for their default (see p. 71, and compare with pp. 520–1 of Vol. IX.). It would seem that the Earl, with so much owing to him already by convicted resetters of the Macgregors, and with the

prospect of much more on the same account, had now begun to have compunctions about pocketing all the money himself; for at p. 96, under date 8th July 1613, he is found making a voluntary offer to his Majesty of 22½ per cent. of all he has received or may yet receive in the shape of Macgregor-reset infalls. His Majesty, accordingly, had thenceforward a pecuniary interest, as well as the Earl, in this source of revenue, and may not have been indifferent when he heard that on the 14th of the same month, on report from the commissioners for the Stewartry of Menteith, the Committee of Council fined another batch of 169 convicted Macgregor-resetters in that district in sums ranging from a maximum of a thousand merks in one case to a minimum of £4. See the list at pp. 101–105. At all events, that his Majesty's share of such infalls might be secure, and there might be no confusion of accounts between the Earl for his 77½ per cent. of interest in them and his Majesty for the 22½ per cent., it was arranged by the Council on the 22nd of July (pp. 108–9) that the fines should be uplifted in future by Mr Archibald Primrose and Archibald Campbell of Glencharradale, as joint agents in the business, whose discharges should be a sufficient acquittance to the persons fined, and whose duty it should be to pay his Majesty's share to the Treasurer-Depute. Who Mr Archibald Primrose was we know; his co-agent seems to have been the same Archibald Campbell of whom, and his qualifications for the work, there is a glimpse at p. 810. The tables seem curiously turned against the Earl at pp. 113–115, only a week after, when he and the Earl of Moray, the Earl of Linlithgow, the Earl of Menteith, the Master of Tullibardine, Lord Maderty, Colquhoun of Luss, Buchanan of that Ilk, Napier of Merchiston, Campbell of Glenurchy, Campbell of Glenlyon, Robertson of Struan, Campbell of Lawers, Stirling of Keir, and seven other landlords who had benefited by the suppression of the Clan Gregor, were prosecuted before the Council by the Lord Advocate for payment to his Majesty of £60 for each merkland possessed by them since 1610 of the former lands of the Macgregors, on the plea that in May 1611 they had made a voluntary promise of such payment when their peaceable possession of the acquired lands

should have been permanently secured. This demand of his Majesty was, however, disallowed by the Council, on the ground of insufficient evidence of the alleged promise; and his Majesty and the Earl resume their more normal relations to each other at pp. 119–122, where, under the date 30th July 1613, there is registered the fining of another batch of convicted Macgregor-resetters, 121 in number, and all of Inverness-shire this time. The sums in this collective fining are individually larger on the average than those in the last reported, the topmost man in the whole list of the Inverness-shire resetters being Rory Mackenzie, Tutor of Kintail, who is fined no less than £4000, and the next being Rory Mackenzie of Reidcastle, who is fined 4000 merks. That the King did not the less continue to hanker after that more direct profit out of the crushing of the Macgregors which he had expected in the shape of a voluntary contribution from those Scottish landlords among whom the lands of the suppressed clan had been divided appears from the entry which follows at pp. 133–4 under date 25th August. Had not his Majesty, at great trouble and expense to himself, "caused tak suche panes for rooteing oute of that accursit race as now the haill roumes formarlie possest be thame ar in the peceable possessioun of the landislordis, without feare or trouble of the Clangregour"; and were the landlords to make no acknowledgment in return? Nothing is said now of the £60 for each merkland of the appropriated Macgregor lands as being the special acknowledgment expected; and, in fact, all that is done is to order the personal appearance before the Council, on the 16th November next, of the Earl of Argyle and twenty-six others of the implicated landlords, in order that the business may be then considered. The list of the landlords named in this act varies somewhat from that in the former entry of July 29th, omitting some there mentioned, *e.g.*, Napier of Merchiston, and including some not there mentioned, *e.g.*, the Earl of Perth, Lord Scone, Campbell of Caddell, Campbell of Auchinbreck, Campbell of Ardkinglass, and Grant of Freuchie. Altogether the act looks very like a threat that, if the landlords do not show some generosity, his Majesty will find means to make it worse for them. We are in calmer waters at pp. 142–4

and pp. 148–152, where, under the dates 1st September and 15th September 1613, we have two more batches of collective finings of Macgregor-resetters. The first is for the Sheriffdom of Elgin and Forres, the list beginning with the name of Grant of Freuchie, who is fined in the astounding sum of 40,000 merks, and including twenty-one other culprits, fined in sums ranging from £5000 to 10 merks. The other is for the Shire of Perth, and is much more numerous, including about 206 names, with fines ranging from £2000 for the chief men down to 10 merks for the poorest. At p. 162, under date 27th October, there is an entry showing that the Tutor of Kintail and two other Mackenzies had applied for an extension of the time allowed them for the payment of their heavy fines as Inverness-shire resetters, and that the King had instructed the Council to refuse the request. On the same page, and subsequently at p. 170 and p. 171, we have glimpses of the adjourned matter of the expected contribution to his Majesty from the landlords of the Macgregor lands, but with no more precise information yet as to the issue than that the said landlords were to meet in the Laich Council House in Edinburgh on the 24th November "and thair to mak a catalogue and roll of the "haill bairnis of the Clangregour presentlie in handis, making "speciall mentioun of thair rankis, aige, qualiteis, and whose "sones thay ar, and in whose keeping they presentlie remane, "and to reporte the roll upoun Thurisday to the Counsell, with "thair opinioun what forder is to be done anent the service of "the Clangregour committit to the truste of the Erll of Ergyll." The landlords, it appears, had proposed to get out of their difficulty with his Majesty by offering a contribution towards the expenses of the upbringing of the numerous Macgregor orphans and other children who were boarded out in various parts of Scotland, and so relieving the Government of one considerable burden of the great Macgregor business. On the same page (171) one hears of an addition to the machinery already existing for bringing Macgregor-resetters to account, in the form of a special commission to a Mr James Kirk to find out and try such resetters in Argyleshire; and at pp. 176–180, under date

30th November 1613, there are two entries which may possibly be significant in that connexion. One records an unsuccessful suit of the Earl of Argyle, in his own name, and in his capacity of Lieutenant in the service against the Macgregors, against the son of Macdougall of Dunnolly for various acts of Macgregor-reset; and the other records a formidable action against the Earl by Colquhoun of Luss and a number of his kinsmen and neighbours, with many poor tenants of his who have been "all herreit and put to beggerie be the Clangregour and thair associats," complaining that a score or two of lawless vagabonds, all duly named, and all tenants of the Earl of Argyle, accompanying him at "oisting and hunting," and paying him "thair calpis and heriyeildis," are still at large in his domains, unpunished for their "murthouris, slauchteris, thiftis, reiffis, and oppressionis." As some at least of the criminals enumerated were apparently Macgregors under changed names, the insinuation probably was that the Earl of Argyle, King's chief Commissioner though he was for the suppression and extirpation of the Macgregors, and flourishing though he was upon fines from Macgregor-resetters in all the Highland shires, was himself a Macgregor-resetter in his own shire. Of this accusation, and of the responsibility which it imposed upon him for the crimes of the outlaws named, the Earl cleared himself by his oath that the said outlaws were no tenants of his; and on the same day there were these jottings in the Sederunt Book of the Council:—(1) "Ane Act anent the bairnis of the Clangregour, and ane Act anent the compt maid be the Erll of Ergyll"; (2) "Ane Act releving the landislordis of all payment of the contribution, in respect the burdyne of the bairnis is layed upoun thame." The proposal of Argyle and the other Macgregor landlords to commute their expected contribution to the Treasury for their Macgregor lands into a subscription for the future support of the dispersed children of the Macgregors had, it seems, been accepted. At p. 87, under date 22nd June 1613, we learn somewhat more distinctly what the arrangement was. It seems to have been that each landlord should pay for the support of the Macgregor children 60 merks for every merk-land of his property formerly possessed by the Clangregor,—a

first instalment of 10 merks, for the current month of June and the coming month of July, to be paid to the Clerk of the Council by the landlords then in Edinburgh before their departure from town. Thus there had been a removal of the one impediment to the continued friendly partnership of the Earl and his Majesty in the receipts from the finings of the resetters of the Macgregors. Not till 17th March 1614 was there another of those collective finings; but on that day (pp. 224–229) a batch of about 240 convicted resetters in Dumbartonshire and the Stewartry of Strathearn were fined in various sums. This was the last of the collective finings for Macgregor-reset. There had been eight such collective finings in all, two of them recorded in our previous volume and the rest in the present. The total number of persons fined in the various Highland shires was about 920; and my computation is that the produce of all the fines, if the sums had been rigidly exacted in all the cases, would have been over £110,000 Scots.*

What meanwhile of the surviving Macgregors themselves, whether the small remnant of 24 heard of at the commencement of the volume as still keeping together in arms under Allaster MacAllaster and Duncan MacEanduy, or the scattered, dejected, and disabled rest? On this subject there are but a few particles of information through the many pages from which the proceedings in the business of the Macgregor-resetters have been culled. A memorial at p. 810 shows that on the 13th of April 1613, when the Earl of Argyle had not yet returned to Scotland from Court and the Laird of Lawers was managing Macgregor matters for him in his absence, Allaster MacAllaster Macgregor

* The great business of the Finings for Reset of the Macgregors was not concluded within the period of the present volume, but straggled on to as late as 1624; and there exists in the Register House a separate MS. book repeating the lists given in the last volume and the present of those "fynit at the Counsall table" for Macgregor-reset in different districts in the years 1612, 1613, and 1614, but completing the story by additions of particulars subsequent to 1616. There will be opportunity hereafter for due notice of the extra information so supplied; but it is right to mention even at this point that the book shows that the sums imposed as fines were by no means rigidly exacted in all cases. There were remissions of a proportion in a great many cases. One local batch of culprits have partial remission "becaus thair haill goodes and houssis were brunt by the M'Gregouris"; one unfortunate has similar remission because he was "a poore cripple creature"; and in some instances the remission is on account of extreme poverty, or of over-valuation of the estates of the offenders.

was still at large, but the Laird of Lawers was hoping to get at him through the Laird of Grant. The anticipation was fulfilled before the 8th of September, as appears from his Majesty's letter at p. 816 instructing the Council to send for Allaster, who had been apprehended by the Laird of Grant, and for his comrade, Duncan MacEanduy, who had been apprehended by Lord Gordon, and to keep them in safe custody till further order. By that time, however, Allaster had died in the Laird of Grant's hands (p. 820), so that only Duncan, of the two late leaders, could be forthcoming. What became of *him* does not appear, nor what became of the various Macgregors of the little band recently led by him and Allaster. In *Pitcairn's Criminal Trials* (III. p. 249) there is the record of the trial in Edinburgh, on the 22nd of June 1613, of six Macgregors, and of their sentence to be hanged on the Boroughmuir, on old charges of slaughter, fire-raising, theft, &c. ; but whether these had been of the recent band of outlaws one does not know. There are mentions in the Register itself of individual Macgregors as still in quest or in custody both before and after that date,— *e.g.* at p. 813, p. 89, p. 95, p. 112, and p. 162 ; but, on the whole, the impression left is that by September or October 1613 the last coherent remnant of the clan had disappeared, and the Macgregors existed then only as widely scattered atoms over the territories of other clans and landlords, subject to the strict Government rules which permitted them existence, and some means of livelihood, even in that distributed state. The conditions had been made straiter than ever by an enactment, in conformity with a Royal Letter of 8th June 1613, that cautions for the good behaviour of the Macgregors should be obligatory not only for the lives of the particular landlords who had become cautioners for any of them, but upon their heirs and successors (p. 813), and by a proclamation that never more than four Macgregors, under whatever changed names, should be seen together (p. 89). By compulsion, or for safety, this changing of the name Macgregor into some other had become universal among the dispersed residue. Most of them seem to have become Campbells ; but there are registered instances of the conversion of Macgregors into Drummonds,

Ramsays, &c. All the while one has to imagine as well as one can the fate of those young orphan Macgregors, or Macgregor children purposely separated from their parents, who seem to have been kept together and boarded out in clusters, and of whom there is recurring mention therefore under the special designation of "Bairns of the Clan Gregour." It is to be hoped that, what with the allowance for them extracted from the landlords, what with private charity, the poor curly-heads had some rough sufficiency of meal and water.

In taking leave for the present of this dreadful Macgregor business, two things strike one in addition to the general horror at such a Scottish savagery in the reign of James VI. One is the unsubduable vitality of the Macgregors through it all and in spite of it all. Here they were for the present as so many mere reptiles wriggling under the teeth of a harrow; and yet not only were they to flash into collective fame again, after a modification of their old fashion, in a Rob Roy, but there were to be Macgregors, M'Grigors, Gregors, Gregorys, and what not, sprung from them, in number beyond reckoning, to illustrate the old name, and the old Macgregor energy, in still later British days, both by notable military services to the successors of the King who had sought to exterminate the clan, and by laurels won in the fields of peace. The other observation is more pertinent to the time with which we are now concerned. It is clear, from those numerous lists of the persons who were fined in 1612, 1613, and 1614, for reset of the Macgregors during the two or three previous years, that the heart of the country, or at least of all the Highlands, revolted from the savagery of the Government against the doomed clan. Everywhere in the Highlands, from the Clyde to the Spey, one sees that the fugitive Macgregors were pitied, and that the poorest widow, or cottager, or piper was ready to brave all risks rather than refuse shelter or food to any single one of them, or any two or three of them, that might pass the cottage-door by day or steal up to it at night. Nor was it the poor people only that braved the risks. In the lists of the convicted resetters are Highlanders of all grades of rank and substance, up to heads of clans and their families. The Tutor of Kintail, the

acting head of the Mackenzies at the time, and a man in official relations with the Government, had resetted Macgregors and was fined £4000 for it. But the most extraordinary case is that of Grant of Freuchie, otherwise known as the Laird of Grant. His policy in the Macgregor business seems indeed to have been subject to variations; for, while it is recorded that, at the beginning of the critical part of the business in 1610, he had abetted the Government policy so far as to execute two out of three Macgregors that had then come into his custody, it is as distinctly on record that he had kept the third about his house and in his company continually for a year and a half afterwards, that several other Macgregors had been indebted to him and others of his family for occasional protection and subsistence during that time, and that all the while the wife of Allaster M'Allaster Macgregor himself had been living in the "clachan town" of his property, close to his own place, the said Allaster visiting her without challenge whenever he liked (pp. 820–821). He had at last, as we have seen, apprehended Allaster; but, that late compliance notwithstanding, he had the distinction of being reputed the chief favourer of the Macgregors from 1610 to 1613. Hence his huge fine of 40,000 merks.

THE WESTERN HIGHLANDS AND ISLANDS.

Historically, this is the most important subject in the volume, or at all events through a considerable part of it. Whereas in last volume the amount of matter relating to the Western Highlands and Islands contained in the separate Register of the Council called The Book of the Isles was so small comparatively that it was deemed most convenient to incorporate it at the proper chronological points with the general matter of the Acta and Decreta, the corresponding matter in the present volume is so much more extensive that The Book of the Isles starts again into a kind of separate independence. It is to be understood, however, that entries respecting the Western Highlands and Islands through the period of our present volume are not confined to that separate portion of it, but are distributed also in consider-

able number through the other portions. The information, when all put together, takes shape as follows :—

From the point of view of the King and his Scottish Privy Council, the Crown territories known collectively as the Western Highlands and Islands consisted (I.) of that long strip of the West Mainland Coast, from the Mull of Kintyre on the south to Sutherland on the north, to any point of which communication from the seat of Government was possible by land-journey, though communication by sea-voyage Clydeways was easier and more habitual, and (II.) of the numerous Islands lying in the Atlantic off this Mainland Coast, some close to it but others at considerable distances. By the exertions made for a series of years past in prosecution of King James's resolute enterprise for the reduction of those Gaelic outskirts of his Scottish Kingdom under the same settled law and order as the rest, both these portions of them had been brought by 1613 into a condition of quiet submission unexampled in their previous history. In the long margin of mainland coast loyalty to the King and the central Government was represented not only, as for generations heretofore, by the great Clan Campbell, headed by the Earl of Argyle, at the southern end, where Kintyre stretches into Argyleshire, but also, at the other or northern end, by the Clan Kenzie, the completed adhesion of which to the Government side in all matters of Highland policy may date from 1609, when the astute Kenneth Mackenzie was rewarded for his previous services by being created a peer of the realm under the title of Lord Kintail. This first Lord Kintail had died in March 1611 ; and his son and successor, Colin, 2nd Lord Kintail, was still but a minor ; but the affairs of the clan were managed for him meanwhile by his uncle, Rory Mackenzie, under the designation of Tutor of Kintail. Between two such loyal powers as that of the great Earl of Argyle at the one end, and the house of Kintail at the other, of the straggling and jagged coast-line of Highland Mainland, there was little chance of disturbance among the minor Highland lairds occupying some of the intermediate parts, unless it came from the Islands. These Islands, however, for the present, seemed also pretty safe. The largest and most distant of them, the large Island of Lewis,

was perhaps the least to be reckoned on, inasmuch as, notwithstanding the repeated efforts that had been made for its colonization by Lowland adventurers, and the subsequent efforts to compel its native possessors, the MacLeods, into submission, these MacLeods were still troublesome. To meet this state of affairs, the task of keeping the MacLeods of the Lewis in order, and, if necessary, driving them wholly out of the Lewis, had been entrusted specially to the Mackenzies of Kintail, as their nearest opposites on the mainland. With the rest of the Islands the case was different. Since that famous day in August 1609 when Andrew Knox, Bishop of the Isles, had performed his memorable feat of inducing eight of the Island chiefs, together with one laird of the Highland Mainland, to sign the *Band and Statutes of Icolmkill* (*ante*, Vol. IX. p. xxvii), the grasp of the Government upon the whole of the Islands, the Lewis only excepted, may be said to have been assured. True, the Islands of the Hebridean archipelago, all included, numbered about two hundred, of which about fifty were inhabited; but the entrapped chiefs of the Icolmkill agreement represented the most important Islands, and were the recognised kinglets conjointly of all the rest of the Hebrides. Enumerated in their order from north to south, they were:—Rory MacLeod, laird of the southern prolongation of the Lewis called Harris; Donald Gorm Macdonald of Sleat in Skye; Rory MacKinnon of Strathordell, also in Skye; Lauchlan MacLean of Coll; Gillespie MacQuharrie of Ulva; Hector MacLean of Duart in Mull; Lauchlan MacLean of Lochbuy, also in Mull; and, last but not least, Angus Macdonald of Islay, chief of those Macdonalds who were known as the southern Macdonalds, to distinguish them from the northern Macdonalds of Skye. The mainland chief associated with them in the Band of Icolmkill was Donald Macdonald of Ylanterim, Captain of Clanranald. The nine were bound, individually and conjointly, by their Icolmkill agreement, to conditions of allegiance and obedience which they could hardly altogether evade. It may be doubted, indeed, whether all their obligations by the Icolmkill Statutes were very strictly observed. It may be doubted whether Angus Macdonald in the house he occupied in Islay in lieu of his surrendered house of Dunivaig,

now garrisoned for the King, or whether MacLean of Duart in his castle of Duart in Mull, or MacLean of Lochbuy in his castle of Lochbuy in the same island, or MacQuharrie of Ulva in his house there, or MacLean of Coll in his house of Coll, or Donald Gorm in any one of his three houses in Skye, or MacKinnon of Strathordell in either of his two houses in that island, or MacLeod of Harris in that castle of Dunvegan in Skye from which he derived his alternative name of MacLeod of Dunvegan, or the Captain of Clanranald in his place of Ylanterim, kept about him only the exact number of gentlemen-retainers to which he was entitled by the Icolmkill regulations. It may be doubted even more whether all the nine, or any of them, refrained from forbidden exactions from their tenants, or enforced among their tenants the rules prohibiting the carrying of firearms or the too lavish use of wine or whisky, or were exemplary in putting down old customs of sorning and begging and irregular marriages, or took care that the eldest sons of the better sort of their tenants were duly away at school in the Lowlands, and that the ruined kirks in their domains were repaired, and due provision made for the maintenance of a Gospel ministry in those kirks. It was enough perhaps if appearances were tolerably kept up in these particulars, and if there were no flagrant outbreaks of disorder among those subject to the chiefs. For they themselves were held by the ankles, as it were, by the all-important rule which obliged them to leave their homes and castles periodically or on special summons, and present themselves personally before the Privy Council in Edinburgh. The Council had, as it were, but to pull a string in Edinburgh, and MacLeod of Harris, or MacLean of Duart, or Donald Gorm, or any other of them, had to leave his castle, and the clasps of his prostrate gillies, and appear before his inquisitors in the Edinburgh Tolbooth. The terror of this acted not only on the nine lairds specially concerned, but on all the Islands and the adjacent Highlands of the west.

For the first few months of our present volume things remained much *in statu quo*. The entries relating to the Western Highlands and Islands from March to September 1613 will be found

mainly at pp. 691–693, but with connected particles of record at p. 3, p. 6, p. 808, p. 809, pp. 13–14, p. 33, p. 42, pp. 68–70, p. 100, p. 101, and p. 108. The chief figure in these entries is Rory MacLeod of Harris or Dunvegan. Appearing before the Council on the 2nd of March, he makes them the welcome gift of two of his namesakes, the rebel MacLeods of the Lewis, whom he had captured,—a Neil Macleod and his son Donald, who had been conspicuous in the insurrection of the Lewis against the intruding Lowland adventurers in former years. Short work is made of these; for, before the end of the month (as we learn from *Pitcairn*) they were tried, with the result that the father was hanged, while the son was spared for subsequent banishment. But MacLeod of Harris still hung about the Council, speculating on the good service he had rendered. That he might make the most of it, he had licence on the 6th of April to repair to his Majesty at his English Court. Thither he does go; and, lo! when he is back in Edinburgh on the 20th of July, it is no longer as mere Rory MacLeod, but as Sir Rory! Under this title he has some further transactions with the Council, all significant of his intention to persevere in the profitable policy of loyalty, and to cooperate with the Tutor of Kintail and the Mackenzies in further action against the Lewis MacLeods. In this mood he returns home, apparently in August, having left, as two Edinburgh addresses either of which would find him whenever he should be again wanted, the dwelling-house of Mr Alexander King, advocate, or that of Alexander Cunningham, writer to the signet. Meanwhile Donald Gorm had also been in Edinburgh, reporting himself and renewing his bond of obedience, and there had been a renewal of the commission to the Tutor of Kintail and other Mackenzies against the Lewis MacLeods. There had also been one or two incidents of an independent kind. One was in the shape of a family quarrel among the MacNeills of Barra, the southern extremity of the Islands of the Lewis chain, arising out of a rivalry between the sons of the Laird of Barra by his present wife and his sons by a former and less regularly married wife. Neil Oig MacNeill and Gillevuan MacNeill, sons by the first marriage, with a band of their armed adherents, had, in the pre-

ceding October, attacked their old father and his more favoured younger son in their castle in Barra, made them prisoners, and put them in irons; and now, the outrage having been brought before the Council by complaint, the offending sons ("grite lymmeris" in the Council's eyes for other misdeeds) are put to the horn, with one or two named followers of theirs, and commission is given to the Captain of Clanranald, brother of the old laird's present wife, to do his best for their apprehension and the liberation of the two captives. The other entries of the series appertain to the Island of Islay. We become aware that old Angus Macdonald of Islay was now dead, though *when* he died remains untold, and that the island, or the greater part of it, had been granted on lease to one of the Irish Macdonalds or Macdonnells, called Sir Ranald MacSorley (afterwards Earl of Antrim). This new possessor had been trying to introduce Irish laws and Irish notions of landlord's rights among the tenants of Islay; and, complaint having been made on the subject by the aggrieved Islay-men, there was peremptory order to him to desist (pp. 13–14). But the whole business of Islay had begun again to occupy the attention of the Council. See especially pp. 68–70, where there is a fresh overhauling of the accounts of Lord Ochiltree for his disbursements in Islay during his Lieutenancy over the Western Islands in 1608–10, and his expenses there in keeping up the garrison of the house of Dunivaig, the main strength of Islay.

That this little ruffle of incidents was not considered as sensibly disturbing the general quiet of the Western Highlands and Islands as far as to September 1613 appears very interestingly from a paper of that month, drawn up by Mr James Primrose, the Clerk of the Council, which will be found at pp. 817–821. It is entitled *The Estate of the Yllis* and is what would now be called a very "graphic" document. It begins with the statement that "the haill Iles ar in a reasounable goode estate and quietnes, except the Lewis and the Ile of Barra," and then recapitulates the incidents that have just been noted, with the addition, however, of a very picturesque narrative of the occasion and circumstances of a contemporary tumult in the district of Lochaber.

Allan Cameron of Lochiel, known as Allan MacIan Duy, had been the recognised head of the Cameron Clan since 1585, and has been heard of in that capacity in previous volumes of this Register. It is a recent escapade of his in his veteran life that forms the subject of the chief part of Primrose's paper and that brings him and the Camerons generally again into prominent notice. Some old title-deeds having been discovered in the Earl of Argyle's charter-chest proving a long-forgotten right of the Earls of Argyle to certain lands in Lochaber possessed by Allan and occupied by Camerons, Allan, though much annoyed by the discovery, had acquiesced in the opinion of the Edinburgh lawyers to whom the matter had been referred that the Earl's right to the lands was indisputable, and had taken out a new title to them to be held under the Earl. This had brought him, however, into trouble with the Marquis of Huntly, the great competitor with the house of Argyle for the feudal superiority in those Highland parts. Allan would fain have reconciled his new relations to the Earl of Argyle for part of his lands with continued loyalty to Huntly and the Gordons as his superiors in others; but the high-handed procedure of Huntly made this impossible. The opportunity was taken by Huntly, and his son, Lord Gordon *alias* Earl of Enzie, to advance new and extravagant claims over all the Cameron lands in Lochaber, and to make good these claims by setting Allan aside altogether, ignoring his chieftaincy of the Clan Cameron, and coming to private arrangements with other Cameron lairds. Old dissensions in the clan were revived, with the result that it was divided into two factions. The dissentient faction, consisting of those who had accepted from the Marquis of Huntly and Lord Enzie the tenure of the lands of which Allan had been dispossessed, still professed to be anxious to reconcile Allan to the Marquis, but were really plotting against Allan's life. But Allan was more than a match for them. "Lyke ane auld subtile fox, persaving thair drift, and being als carefull to preserve his heade as thay wer curious to twyne him of it," he dissembled in the meantime, and went once more to Edinburgh for legal advice. While he was there, he heard that his dissentient kinsmen had appointed a tryst at

which measures for getting rid of him were to be discussed. Hastening back to Lochaber, and privately warning the Camerons who still adhered to him, he took care that sixty of these should be in a wood close to the place of tryst of the adverse party, while he himself, with only six attendants, confronted the adverse party and requested a conference. Primrose's description of the result is too good to be lost. "Thay persaving Allane so single "accompanyed, thinking that he had bot new come in the "countrey, and that he had no mo company bot the sax that wer "with him, thay all brak at him, resolving then to have his lyffe. "He flees hard by the wode quhair his ambusche lay. Thay "follow him that same way with schouteing and shoiting of "arrowis; and, when thay ar all by, the ambusche comes furthe. "Allan persaveing, he turnis, and thay upoun the bak and he "upoun the face makis ane cruell and bloodie onsett upoun thame, "slayis tuentie of the cheif and principallis of thame, takis "aucht prisonnaris, and sufferis the rest to eschaip. And then "he possessis himself with his haill landis agane, learneing ane "lessone to the rest of his kin who ar alyve in quhat forme thay "sall carye thamseselffis to thair cheif heirefter." Though we learn all this from Primrose's paper of September 1613, it is not till December that the business appears in the Register of the Council, and then on representation from the Marquis of Huntly, and in the form of the series of five almost consecutive entries which will be found at p. 183 and pp. 184–191. One is an order for the capture of the eldest son and heir of the offending Lochiel, so that he may be brought up separately from his father, "alswele for his educatioun as for the peace and quiet of the countrey"; another enumerates by name seventy-nine of Lochiel's associates in the Lochaber fight and slaughter, forbidding reset of them or any of them, and offering rewards for their apprehension alive or dead,—£1000 for Lochiel himself, and so in proportion for the others; another is a commission of fire and sword against the criminals to the Marquis of Huntly, the Earl of Enzie, seven other important northern Gordons, and Donald MacKay of Farr; and another is a proclamation for the armed concurrence with these commissioners of all the lieges in Inverness-shire, Cromarty,

Sutherland, Caithness, and Argyleshire. Even in the coils of such a formidable organization as this round Lochiel for his ruin, the "auld subtile fox," what with his own ability, what with some secret exertions on his behalf by the Earl of Argyle in counteraction to Huntly's vengeance, seems to have managed to struggle on. At all events, though the Lochiel affair crops up again in subsequent entries in the volume, it need detain us no longer here, the rather because the sequel of it appertains chiefly to the history of the Mainland Highlands, and only at the present point is it in critical connexion with the state of the Western Highlands and Islands.

Resuming that main thread of our story, we have to report that Primrose's account of the reasonably quiet condition of the Western Highlands and Islands in September 1613, the episodes of the Barra MacNeills and the Camerons of Lochiel notwithstanding, continues to hold good for six or seven months longer. Not till the spring of 1614 are there any new entries worth noting as to the chiefs of the Icolmkill Band, and then none of greater importance than those at pp. 693–695 and p. 232, which record the appearance of MacLean of Duart before the Council in February 1614 in obedience to his obligation, the consequent exoneration of Chancellor Dunfermline from his caution for him, and the renewal of his band in March, with the Earl of Glencairn and others for his new sureties.

In March 1614, however, there was the beginning of a real commotion. The scene was the Island of Islay. Although Sir Ranald MacSorley had now the main portion of the island on lease, the Castle of Dunivaig had remained in the possession of the small garrison that had been placed in it by the Bishop of the Isles in 1610 to hold it for the King, and there were sons and other relatives of old Angus Macdonald still in the island, who regarded the island as rightfully belonging to them, and could not pass the castle without longing eyes. As the small garrison of the castle had become careless, what was to prevent a few of these Macdonalds from taking it by surprise? This was done easily enough by Ranald Oig Macdonald, a natural son of the late chief, assisted by four or five others. Hardly were they in

possession, however, when Angus Oig Macdonald, the second legitimate son of the late chief, and then residing in Islay, raised the rest of the Macdonalds there for recovery of the castle. This he did avowedly in the King's interest; and, to keep up that pretence, when he had taken the castle after a short siege, and put into it a garrison of his own under a kinsman called Coll MacGillespic, *alias* Coll Keitach, or Coll the Left-handed (the father of the warrior of the same name and nickname who was afterwards lieutenant-general under the Marquis of Montrose in his Scottish battles for Charles I., and who figures in one of Milton's sonnets as the unpronounceable "Colkitto or Macdonnel or Galasp"), he put to death four of his brother Ranald Oig's intermediate garrison, and imprisoned Ranald Oig himself. He professed his readiness also to surrender the castle back to the Bishop of the Isles, or to any one having authority from the King, provided he were assured of pardon for his boldness in taking it and for any other offences standing to his account. As credit seems to have been given for a while to these professions, the Privy Council were more dilatory over the affair than might have been expected; and it was not till the 9th of June, and after intelligence had been received from the Bishop of the Isles that he had applied in vain for the surrender of the castle, and that Angus Oig, Coll MacGillespic, and their associates were preparing for a defence of it by laying in ammunition, that the Council were roused to the proceedings recorded at p. 242 and pp. 695–7. Angus Oig and his accomplices were then formally charged to deliver up the Castle of Dunivaig to the Bishop under pain of rebellion, and the Bishop was commissioned to take all hostile measures necessary in case of continued refusal. The Bishop, as his antecedents proved, was not a man to have shrunk from powder and shot on due occasion; but, having no forces for a siege, he did his best to negotiate. That he seemed to be succeeding in this way appears from p. 706 and p. 262, where, under date 6th August 1614, the Council are seen making up theirminds to regard the action of Angus Oig and his accomplices in wresting the castle from Ranald Oig as a piece of good service, and from p. 710, where it is mentioned that a remission under the great seal in favour

of Angus Oig, Coll MacGillespic, and four others, had been delivered by the Council on the 11th of August to the Bishop of the Isles, to be handed to them if they proved tractable. All the same the Council were taking precautions against the possibility of Angus Oig's continued contumacy, and the evil effects which the Islay rebellion might then have on the rest of the Western Isles. Such seem to have been the proceedings with MacLean of Duart, Donald Gorm, Sir Rory MacLeod of Harris, MacKinnon of Strathordell, and MacLean of Lochbuy and MacLean of Coll, recorded at pp. 698–700 and pp. 706–707. These chiefs of the old Icolmkill Band had again been brought to Edinburgh, strictly pledged again under fresh cautions to fidelity to their former engagements, and obliged to nominate again the Edinburgh agents at whose houses future citations of them might be delivered. There was extra stringency this time in the case of Donald Gorm, who was not dismissed till he had become bound to confine himself in Glasgow for a time after leaving Edinburgh. The reason was that he was to accompany the Bishop of the Isles back to Islay, to help in the recovery of Dunivaig from Angus Oig. It was on the 14th of September that there was licence to Donald Gorm to release himself from his ward in Glasgow for the specified purpose (p. 267); and within a few days afterwards the Bishop and he were in Islay, but only to find Angus Oig more resolute than ever not to surrender the castle. Bishop Knox's usual good luck, if not his usual prudence and sagacity, had for once forsaken him; for, the force he had brought with him being barely sufficient for the task of a siege, and having been reduced to utter insufficiency by the desertion of all in it who were inclined to the Macdonalds, he remained in the Island to try his chances, rather than incur the seeming disgrace of retiring for fresh levies. Angus Oig and his Macdonalds immediately swooped down upon his boats, seized and destroyed them, and so had him at their mercy. Thus compelled to treat with them, he had to yield, or seem to yield, to their demands; which were that he should solicit the King for a grant to Angus Oig of a nineteen years' lease, at a rent of 8000 merks a year, of the Crown lands of Islay then possessed by Sir Ranald MacSorley, together with

property rights in the Castle of Dunivaig, and a free pardon for all crimes up to date. All the Bishop's expenses were to be paid in the event of his success; but meanwhile he was to leave his son, Mr Thomas Knox, and his nephew, John Knox of Ranfurlie, as hostages in Angus Oig's hands. This transaction was on the 22nd of September; and on the 1st of October a Bryce Semple was in the Council-house in Edinburgh with letters from the Bishop informing the Council of the disaster that had befallen him (p. 715). Though full of wrath against the "pestiferous" Macdonalds, he duly conveyed by the messenger the substance of their demands, and was naturally anxious about the fate of his relatives.

The Council were now thoroughly roused. Plans of action, however, had to be considered, and there had to be communications with the King, so that three weeks elapse before the results appear in the Register. They may be seen in the cluster of seven entries extracted from the Book of the Isles at pp. 716–723, dated 22nd October 1614, and previously summarised at pp. 279–280 and footnote. The resolution had been that there should be an armed expedition for the recovery of the Castle of Dunivaig, the reduction of Islay, and the suppression of the Macdonald insurrection there, under the Lieutenancy of Sir John Campbell of Caddell (otherwise called Calder), an important laird of the Campbell Clan who was anxious to obtain a grant of the Islay lands, and had taken this opportunity of making his offers to the King and Council with that view. The seven entries describe the arrangements that had been made, or were to be made, for the expedition. Besides the commission of lieutenancy with the customary full powers to the Laird of Caddell himself, and besides a paper of instructions for his conduct, there was a letter to the Lord Deputy of Ireland requiring him to send over to Islay 200 trained soldiers and 6 cannon to aid in the service, and there was proclamation for a muster of the lieges in Argyleshire and other parts of the West Highland Coast to form the native or main army. There was a renewed summons also to Angus Oig and his accomplices to surrender the castle, with offers of pardon to the least guilty on certain conditions.

Subsequently, on the 26th of October, and various days of November from the 4th to the 12th, there were the supplementary arrangements which may be seen at pp. 723–727, with connexion at pp. 280–281. One of these, of some significance, is the appointment of Archibald Campbell, brother of Campbell of Lawers,—presumably the same Archibald Campbell whom we have seen associated with Archibald Primrose in the collectorship of the fines of the resetters of the Macgregors (*ante*, p. xxi),—to be agent for all persons in the Highlands at the horn for offences against the peace, and desirous of compounding for those offences and obtaining pardon. Another arrangement, of a more definite sort, was that a petard, then in Edinburgh Castle, and which might be useful for blowing up the gates of the house of Dunivaig, should be conveyed to Islay as part of the equipment of the Laird of Caddell's force. The petard was to be tested in the Castle ; and, as James Anstruther, who was to go with the engine to Islay as the only man who could properly manage it, showed some reluctance to going so far with such a risky companion, he had to be reconciled by an offer of 200 merks for his first month's pay and outfit, 100 merks for every subsequent month, and a promise of provision for his wife and children should he never come back, or should he come back maimed for life. This was on the 12th of November ; and the petard, we are to suppose, was on its way westward within the next few days, with James Anstruther in charge of it.

At this point it is necessary to explain that various contemporary letters and other documents are extant respecting Angus Oig Macdonald and his obstinate detention of the Castle of Dunivaig besides those that have come down in the Register of the Privy Council. Some of these are printed in Vol. III. of *Pitcairn's Criminal Trials* (1833), and there is a summary of the information from them in Gregory's *History of the Western Highlands and Isles* (1836). According to this information, or at least to Gregory's interpretation of it, the Earl of Argyle was at the bottom of the business. The inveterate enemy of the Macdonalds, no less than of the Macgregors, and bent on the acquisition by himself or other Campbells of all the lands of the Macdonalds he had

sought, Mr Gregory suggests, to bring the Islay Macdonalds to ruin by messages to Angus Oig that it would be to his advantage to persist in holding the Castle of Dunivaig. With the same view of ruining the Islay Macdonalds, but for independent personal reasons, Chancellor Dunfermline himself, Mr Gregory imagines, encouraged them in the same desperate policy. As we are concerned mainly with the documents in the Council's own Register, it is enough to have mentioned these inferences or suspicions from other documents, adding only the certain fact that a George Graham did visit Islay as an emissary from the Chancellor in November 1614, while the preparations were in progress for the Laird of Caddell's expedition, and did have conferences with Angus Oig, the result of which was that the two hostages, Mr Thomas Knox and John Knox of Ranfurlie, who had been in real danger since the news of the coming expedition had reached Islay, were set at liberty, while the castle was still held by Angus Oig and his friends. The understanding, as Angus Oig believed, or professed to believe,—though Lord Dunfermline afterwards repudiated any such implication in his instructions to Graham,—was that the castle should be retained by the Council's leave till further notice or further negotiation.

Things moved slow in those days ; and, though Campbell of Caddell was on the coast of Islay with the Scottish force in the end of November, and remained there for about a fortnight waiting for the arrival of the auxiliary force and cannon from Ireland, he had to return to the mainland for new store of provisions before the Irish force had come. In his absence the Irish force did arrive in four vessels in the middle of December, under the command of an English officer, Sir Oliver Lambert. To this officer's summons to Angus Oig to surrender the Castle of Dunivaig the answer was that the castle was held by warrant from the Privy Council ; and, when Sir Oliver asked for a sight of the warrant, remarking very naturally that he and his ships would hardly have been sent from Ireland at such a season of the year if there was nothing for them to do, there was sent out to him by Angus Oig a copy, or alleged copy, of George Graham's instructions for his treaty on the Council's part. Somewhat perplexed, Sir Oliver

could only wait for the arrival of his superior, Campbell of Caddell. On the 6th of January 1615 Campbell was back, and there was a junction of their forces, to the number of about 500 men in all. Siege arrangements, with erection of batteries, &c., were then regularly proceeded with, much to the consternation of the Macdonalds, some of whom deserted and made terms; and, the cannon having been landed on the 27th, firing began. It was returned for a day or two by the besieged, with the loss to the besiegers of one of the Irish officers and one of Caddell's men; but surrender was inevitable. Apparently without need for any use of James Anstruther's petard, the castle was in Caddell's possession, and all who had held out in it were his prisoners without conditions, except Coll MacGillespic and a few with him, who had escaped by night in a boat. On the 3rd of February fourteen of the besieged and six other Macdonalds were condemned in a justice court held in the castle by the Lieutenant, and immediately executed. Angus Oig himself and some others of the principals were reserved to be sent to Edinburgh for trial.

While there are incidental notices of some of these proceedings in Islay at p. 295 and p. 299 n, the Register takes cognisance of them mainly in what may be called their fag-ends and consequences. See a straggle of entries at pp. 728–733, extending over the three months or more from the 16th of February to the 23rd of May 1615, with duplicate entries of some of them at p. 303, p. 308, p. 318, p. 319, p. 327. The Council, one can see, was then exulting over the success of Campbell of Caddell as having finished the Islay trouble, leaving nothing to be done but chase Coll MacGillespic and the other fugitives, and run them to death. The entries consist, accordingly, of general proclamations against the reset of these fugitive Macdonalds,—seven enumerated specially by name along with Coll MacGillespic (p. 729),—and of special orders to individual Highland lairds to undertake the pursuit. For that service our friends of the old Icolmkill Band are again, of course, in requisition; and, after the Council has cited two or three of them before it severally in the usual fashion, there is an Act conjoining seven of them,—viz.

Donald Gorm, MacLeod of Harris, the Captain of Clanranald, Mackinnon of Strathordell, MacLean of Duart, MacLean of Lochbuy, and MacLean of Coll,—with the Tutor of Kintail in a special commission for the required duty. One observes also that the number of the Highland lairds kept in such strict leash by the Council received an accession at this juncture by the subjection of Donald MacIan, Tutor of Ardnamurchan, and representative of the MacIans of that district during their young laird's minority, to obligations similar to those of the Icolmkill compact (p. 730). That nothing might be wanting to the triumph of the Council, there arrived in Edinburgh on the 24th of May, as Calderwood informs us, the six prisoners from Islay who had been reserved for special examination and trial. These were Angus Oig himself, Allaster MacAllaster, Angus MacAllaster, Allaster MacArliche, John MacCondochie, and John Gair MacMoylane, all Macdonalds.

That very day, or in the night preceding, there was an event which threw the whole business into confusion again. Sir James Macdonald had escaped from Edinburgh Castle, and the sensation caused by the news in the minds of the Council and everywhere else was nothing less than that caused by the famous billet, *The Devil is loose*, which announced the escape once of a greater prisoner. To understand this, it must be remembered who Sir James Macdonald was. He was the elder brother of Angus Oig, being the eldest son of the lately deceased Angus Macdonald of Islay, and the legitimate successor of that old chief in the headship of all the southern Macdonalds. His life hitherto had been a strange one. Of consequence in the affairs of his father and of his clan while he was yet a youth (see *ante*, Vols. V. and VI. by the indexes), and knighted before 1597 for services he had done to the Crown in those affairs, he had from about that year plunged into a career of turbulence on his own account, assuming the entire management of the clan, keeping his father in irons for a while after having besieged both father and mother in a castle and half-roasted them by setting fire to it, fighting a bloody battle with the MacLeans, and doing many other lawless actions. Not even then had he been out of favour with the Govern-

ment. On the contrary, Sir James Macdonald of Lochrinsay, as he was called, seemed the fittest agent for keeping the Macdonald region of Islay and Kintyre in order, and was treated with by the Council to that effect (see *ante*, Vol. VII. by the index). Latterly, however, though he had married a Campbell, the Earl of Argyle and the Campbell influence had turned against him; and, having come somehow into his father's hands in 1603, he had been delivered to the Earl of Argyle, and by him in 1604 to the Council. Having escaped from Blackness Castle, to which he was first committed, he had been shut up since 1604 in safer custody in Edinburgh Castle; and one of the most memorable incidents in the history of that castle had been his attempt, in December 1607, to escape from his prison there in company with Lord Maxwell (see *ante*, Vol. VIII. by the index). Having been foiled in that attempt, and brought back with a sprained ankle from the foot of the castle rock, while Maxwell got clear off, he had been a prisoner during all the intervening eight years,—twelve years altogether since his first arrest,—with the aggravation that since May 1609 he had been under sentence of death, after trial by a justice-court, for his various Highland offences of former years, and his recent high-treason in having broken ward from a royal fortress (see *ante*, Vol. VIII. by the index). For reasons known to the King, the sentence had not been carried unto execution; but a warrant from the King in England might put it in execution any day by sending him to the scaffold in Edinburgh without further formality. To these hard circumstances Sir James had accommodated himself with wonderful composure. A man of active intellect, and of some education from the first, he had betaken himself in his imprisonment to what occupation and solace he could find in books. Having many acquaintances also among the Edinburgh people, and some of them in stations of rank and influence, he was not without sufficient means of communication with the outside world. Hence, when his illegitimate brother, Ranald Oig Macdonald, seized the Castle of Dunivaig from Bishop Knox's careless garrison in March 1614, and when his legitimate brother Angus Oig retook the castle and remanned it in the same month professedly in the King's

interest, no one received the intelligence sooner than Sir James. The hypothesis of the Privy Council, indeed, was that it was Sir James from his cell in the Castle of Edinburgh that had moved the whole affair in Islay,—one reason for thinking so being that a natural son of his, named Donald Gorm (quite a different person from the great Donald Gorm of Sleat), was then in Islay and in the confidence of both Ranald Oig and Angus Oig. The hypothesis is rather inconsistent with petitions which Sir James had been addressing to the King and to the Council during the progress of the Islay disturbance. Only the fact that there had been such petitions can be inferred from anything in the Register; but their purport is printed in *Pitcairn*, Vol. III. p. 370. He would be glad to do the King service; and, if he were liberated, and Islay were restored to him, he would pay 8000 merks a year of rent for it, or, if his Majesty perferred keeping it in his own hands, would so pacify it for his Majesty by the capture of Ranald Oig and Coll MacGillespic, &c., that it should be worth 10,000 merks a year to his Majesty thenceforth; and he would then transport himself, with his brother Angus and the rest of his loyal kin, to Ireland, or, if required, out of his Majesty dominions altogether, with his Majesty's recommendation of their services to the estates of Holland! For the due performance of these undertakings he had offered as his sureties the Earl of Tullibardine, Lord Burley, Sir Ranald MacSorley, the Laird of Caddell (his brother-in-law), the Laird of Mackintosh, and the Laird of Grant. No answer had been returned to the offers; and the Islay business had been finished by the Laird of Caddell himself in the manner we have seen. What then alarmed Sir James was the rumour that one issue of the consultations between the King and the Laird of Caddell, when the Laird had gone to Court to report his success, was that he himself might be included among the victims. The warrant for his execution on his old sentence might come at last! No time was then to be lost; and on the 24th of May, as has been said, just when Angus Oig and the other five reserved culprits from Islay were brought to Edinburgh for their doom, Sir James Macdonald broke out of the castle. His assistants in the escape were Allaster MacRannald of Garragach

or Keppoch and his eldest son, with the eldest son of the Captain of Clanranald, and a Dougal MacAllaster, servitor to Thomas Coutts, writer in Edinburgh,—the last, one fancies, the "Dougal creature" of the transaction, who had access to the cells and could manœuvre the turnkeys. The four were with Sir James at Newhaven on the Firth of Forth before the escape was heard of, crossed with him thence to Burntisland, and were making tracks with him north-westward towards Perthshire. Sir James, as I compute, was then somewhat over forty years of age.

The hue and cry after him was prodigious. See the succession of Council orders at pp. 733–744, extending from the 24th of May 1615, the day of the escape, to the end of July, with abbreviations of the same at p. 330, p. 332, p. 345, p. 346, and p. 364. They consisted, first of all, of a commission to the Marquis of Huntly and the Earl of Tullibardine, through whose territories the fugitives were likely to pass, for their pursuit and arrest, with a general proclamation to the lieges to the same effect and an offer of £2000 for Sir James's head, and with a charge to his four companions to surrender themselves and to the Captain of Clanranald to produce his son, and then of farther proclamations and orders consequent on the intelligence received from time to time of Sir James's movements. The proclamations were panting after him in vain; even the ubiquitous and indefatigable Archibald Campbell, the factotum for the Campbells, who had been detached to follow him as a sleuthhound, had panted after him in vain. He was nearly caught, indeed, in Atholl, near Loch Rannoch, where he had to save himself by abandoning his horses, luggage, and, what he regretted most, some books he had brought with him; but, once clear of that region and into Lochaber, he was among Keppoch's men and secure. Passing thence to the west coast districts of Morar and Knoydart, and thence to the Island of Skye, he made his appearance at Donald Gorm's place of Sleat, where, though that chief dared not himself move, he could not prevent a number of the Skye Macdonalds from attaching themselves to the new leader. From Skye the little force was conveyed to the island of Eigg, and

here it received a great accession. The redoubted Coll MacGillespic, who had been roving about the western seas in pirate fashion since his marvellous escape from Islay at the taking of Dunivaig Castle, was in the neighbourhood of Eigg, with his pirate followers, when Sir James landed there; and there was an enthusiastic junction of their forces on the island, Coll MacGillespic and his men marching round Sir James, and firing guns in his honour, and shaking hands with him individually in token of their acceptance of him as the hope of all the Macdonalds. From Eigg Sir James and his little host, now about 300 strong, and carrying slaughtered cattle with them for provisions, passed southwards to Colonsay, which they reached about the 18th of June; and then, after some days of fresh provisioning, they were at their destination in Islay itself. One of Sir James's first feats there was the recapture of the castle of Dunivaig from the garrison that had been left in it by Campbell of Caddell; after which, as he was then master of all Islay, his activity was divided between works for the better fortification of that island and excursions, either personally or by Coll MacGillespic, to Jura and the peninsula of Kintyre, to extend the area of the insurrection. It was a formidable enough insurrection as it was; for before the end of July there had been fresh accessions of adherents, while the inhabitants of the adjacent Highlands were more or less sympathetic.

That there should come to be actual battle with the Government does not seem to have been Sir James's intention, if battle could be avoided. He had been all the while corresponding with the Earl of Tullibardine and other noblemen and Councillors, and he had addressed another petition to the Council itself, the purport of both the letters and the petition being that, though he could never reconcile himself to the Campbells and their possession of Islay, he would be glad to be readmitted to allegiance to the King on any tolerable conditions. It was a sign of his sincerity, or of his prudence, that, on his recapture of the castle of Dunivaig, he took no vengeance even on some important Campbells whom he found in the garrison, but contented himself with sending them out of the island. The Privy Council, however, thought them-

selves precluded from paying any attention to his communications, or troubling the King with them. Hence the later Council orders of the above-cited series are in the same strain as the earlier, or even in a strain of increased vehemence, as the spread of the insurrection, and especially the conjunction of Coll MacGillespic with Sir James at Eigg, seemed to demand. The reward for the head of Sir James was raised to £5000; the heads of Coll MacGillespic, the two MacRanalds, and others of the chief rebels were valued at from 5000 to 3000 merks each; and what could be done by proclamations of levies against the insurgents, or commissions to individual nobles and lairds against them, was still done. The Marquis of Hamilton, the Earl of Enzie, Campbell of Caddell, Campbell of Ardkinglas, Sir Dugald Campbell of Auchinbreck (in prison for debt for a while past, but released from ward for the purpose), and, of course, MacLeod of Harris, MacLean of Duart, Donald Gorm, and the other Island chiefs of the Icolmkill Band, were all under orders for alacrity in their respective regions, or for conjoint action. These, however, were but pottering and provisional measures, in anticipation of the employment of that more powerful and brilliant agency for the suppression of the insurrection to which the Privy Council had been tending for some time. To whom did the work so properly belong as to the Campbells, and to which of all the Campbells so properly as to their chief, the Earl of Argyle? The Earl being on one of his frequent absences in England,—where he had preferred residing as much as he could since his marriage in 1610 with his second and English wife, Anne Cornwallis, daughter of Sir William Cornwallis, the Roman Catholic lady who was becoming the mother of his second or Scoto-English family, and was to make a Roman Catholic of himself ere long,—the Council had applied to his brother, Colin Campbell of Lundy, to act as the head of the Campbells in his stead in the service against the Macdonalds. Lundy having positively refused this responsibility without express instructions from the Earl (p. 736), he and Campbell of Caddell had been sent to England, to deal with the Earl (p. 739). This was on the 22nd of June, before it can have been known to the Council how mightily the insurrection had

grown after Sir James Macdonald had advanced southwards from Eigg. In the course of July, however, when it was known that he was master of Islay, and was sending the fiery cross thence into Jura and Kintyre, it became clear to the Council that no mere Campbell of Lundy or Campbell of Caddell would suffice for the crisis, and that the Earl must come to Scotland himself. When even the Isle of Arran, on this side of Kintyre, was in danger, and the Council had to dispatch the Marquis of Hamilton to guard that island, his own property, against a surprise from the Macdonalds (p. 743), it was high time that the Earl of Argyle should be himself looking after his own West Highland domain. Intimation to that effect had been conveyed to the King; and the Earl was coming.

That it was to be war to the knife with the Macdonalds had been announced meantime by an unmistakeable signal. On the 3rd of July, Sir James's younger brother, Angus Oig, and the five other Macdonalds that had been lying imprisoned in Edinburgh since the time of Sir James's escape from the Castle, and during all the intermediate weeks of Sir James's adventurous flight, had been brought to trial and condemned to death. The record may be found in *Pitcairn*, III. 364–5; but it is from Calderwood (VII. 200) that we learn that the sentence was executed on the 8th by the hanging of all the six at the Market Cross of Edinburgh. To the last Angus Oig affirmed that he would not have persisted in holding Dunivaig Castle against the ostensible orders of the King had he not believed himself to have received sufficient authority for doing so from Chancellor Dunfermline and the Council, through their agent, George Graham.

On the 4th of August 1615 the royal letter intimating the appointment of the Earl of Argyle to the Lieutenancy in the service against the rebel Macdonalds was read in Council, together with another royal letter of certain specific instructions, and the Council renewed their commission to Campbell of Auchinbreck for interim action till the Earl should arrive. See the documents at pp. 744–746, with relative entries at p. 380. There is then a gap of eighteen days in the meetings of the Council; but on the 22nd

of August it met again, with Argyle among those present. See at p. 381 the "sederunt" of that day, and the brief summary there given of the proceedings; and see the full account of the proceedings from the Book of the Isles at pp. 746–755. Five of the nine pages are occupied with a copy of the commission of lieutenancy then given to Argyle, and the remaining four pages with copies of the instructions given to him, and of letters from the King also containing directions. The core of the Earl's force was to consist of 400 King's soldiers, divided into four companies, each duly officered, and each to be paid at the rate of £1200 Scots per month; and the rest was to consist of fencibles levied by proclamation from Argyleshire and the Isles, and bringing boats and other requisites. Provisions for all employed in the service were to be supplied by the lieges at fixed prices,—£12 for a mart, 20s. for a sheep, 20s. for a stone of cheese, and 40s. for a stone of butter. Cannon, powder, and bullet were to come in ships of his Majesty sent for the service; but there was some provision of ammunition meanwhile. Letters were to be written to the Lord Deputy of Ireland to warn him that he might expect fugitive Macdonalds; and letters also to the magistrates of Glasgow, Ayr, Irvine, and Dumbarton, and to the Captain of Clanranald, MacLeod of Harris, MacLean of Duart, and Donald Gorm, requiring their cooperation with the Earl in every way possible. The Earl was to have the escheats and fines of all persons in Argyleshire or Kintyre who should be convicted of having intercommuned with the rebels or furnished them with necessaries; and he was to have power, after the immediate purpose of his expedition had been attained, "to tak some good and solid ordour how the haill West Ylles of this kingdom may be retenit and haldin under obedience,"—*i.e.*, to devise measures, in concert with the Council, for the permanent pacification and civilization of those Gaelic parts. The 2nd of September was to be the day of rendezvous of the Earl's forces, and the rendezvous-ground was to be in Knapdale, the northern section of the Kintyre peninsula.

Argyle, after being again present in the Council on the 23rd of August, when there were some further items of business in

connexion with the expedition (see p. 389), went off for the scene of his exertions; and, though there were two subsequent meetings of Council in the course of September, one on the 13th and another on the 15th, with just a mention of the Isles business in the first (p. 393), it was not till the 4th of October that news from the Isles brought the Council effectually together again. In the interval the great business had been substantially accomplished. The following is a succinct summary of what had happened:—The Earl having taken up his head-quarters at Duntroon on Loch Crinan, with part of his fleet and forces on the west side, and part on the east, of the isthmus now cut by the Crinan Canal, ascertained that Sir James Macdonald, who had been pretty well kept in check hitherto by Campbell of Auchinbreck, and confined to Kintyre, was encamped, with about 970 men altogether, at a point of the west coast of Kintyre about thirty miles farther south, and opposite the small Island of Cara, where his vessels were mainly collected. Action between the two antagonists began almost immediately. The Earl took the aggressive. Detaching a portion of his army, consisting of 700 or 800 men in all, under the command of the Laird of Caddell and others, to go by sea to Cara, and there fall upon the vessels of the Macdonalds, if possible, by night, he led the rest himself, consisting of about the same number of men, by a land-march to a point on Loch Tarbert about 10 miles north from the enemy's camp. Meanwhile, though these movements were unknown to the enemy, there had been two detachments northwards from their camp to the same intermediate ground about Loch Tarbert,—one of between 300 and 400, under Sir James's uncle, Ranald Macdonald, to stop the Earl's anticipated land-advance by the east end of the Loch, and the other of 60 men in boats from Cara, under Coll MacGillespic, for reconnoitring service at the west end. Both these movements failed. The larger detachment, unable to face the superior force of the Earl at the east end of the Loch, had to retreat; and Coll MacGillespic, who had also to retreat,—though not till he had captured Campbell of Kilbery and a small reconnoitring party with him that had been sent forward from the Laird of Caddell's advancing division on the

west side,—mismanaged his retreat sadly. The Laird of Caddell's division had by this time possessed themselves of the island of Gigha, just north of Cara ; and Coll, not believing this possible, and trying to get back to Cara, found himself intercepted, and was obliged to land precipitately in Kintyre, abandoning his boats, and losing fifteen or sixteen of his men in a parting skirmish. The Macdonalds in charge of the boats at Cara, warned by beacons of the near approach of the Laird of Caddell, then broke up in flight ; and the whole affair resolved itself into a scattered pursuit of the different fragments of the Macdonalds, some of them through Kintyre, and some in their efforts to get back to Islay. Sir James himself, seeing the game up as far as Kintyre was concerned, had fled to the Isle of Rathlin on the Irish coast ; whence, however, he returned to Islay for any remaining chance he might have there. It was small enough. The Earl, who had transported the bulk of his forces by this time to Jura, and had been joined there at last by the expected ships of war and cannon from England, crossed from Jura to Islay, to find Sir James and Coll MacGillespic with the gathered remnant of the rebels, still 400 or 500 strong, encamped on the south-western extremity of the island, at what is marked on the maps as "Point of Rhynns," close to the islet of Oversay. In that neighbourhood the struggle was ended. Unable to stand against such an overwhelming force as the Earl had with him, Sir James first tried to come to terms, and then, compelled to immediate decision, escaped once more, and this time finally, to Ireland, taking Macdonald of Keppoch and about forty others of his adherents with him, and leaving the task of settlement with the Earl to Coll MacGillespic. Coll, who had meanwhile been negotiating separately and secretly with the Earl, made his own pardon secure by surrendering the forts remaining in his occupation, together with the prisoners in his hands, and by giving up at the same time Macfie of Colonsay and eighteen other persons of consequence among his fellow-rebels. These or most of them were reserved for exhibition before the Privy Council ; and all that remained for the Earl to do in Islay was to scour through the island in quest of the fugitive minor criminals, try and hang

nineteen or twenty of them, re-garrison the Castle of Dunivaig and the only other fort worth the trouble, and commit them to the charge of Campbell of Caddell. He was still engaged in these details, but was about to pass back into Kintyre for the more important work of stamping out the relics of the rebellion in that interminably long projection of the mainland.

At pp. 755–6, under the dates 4th October and 6th October 1615, we learn with what satisfaction the Privy Council had received all this intelligence from the west. The rebellion was regarded as substantially crushed; but there was proclamation, of course, against reset of any of the fugitives that might try to escape to the Northern Islands or Highlands, and there were special instructions for the pursuit of such to MacLean of Duart, MacLeod of Harris, Donald Gorm, the Captain of Clanranald, and the Tutor of Kintail. That his Majesty also regarded the insurrection as crushed appears from the next entry, at pp. 756–7, registering a letter from his Majesty, of date 27th October, which ordered the disbandment of the four companies of soldiers that had been serving at his Majesty's expense, and the dispatch back to England of the chief of the two war-ships that had been sent for the service. The order was forwarded to the Earl of Argyle on the 4th of November (p. 757), and does not seem to have been received by him with entire satisfaction, if we may judge from what follows in the next pages of the Register, from p. 757 to p. 761, under date 24th November. The Earl had sent his factotum, Archibald Campbell, to Edinburgh, to explain matters fully, and to deliver Macfie of Colonsay and the other chief captives; and in those pages we have, in the first place, Archibald Campbell's written narrative, on behalf of his chief, of the facts of the expedition as they have been already told, together with additional particulars bringing down the story to the 10th of November. The Earl, the report stated, was still busy in Kintyre, apprehending and punishing the most culpable rebels there, and could give no further information about the fugitives from Islay than that MacRannald and his sons were in Lochaber, and that Sir James Macdonald and the others that had fled to Ireland were most likely to be heard of at the houses of a Valentine Black and

a Robert Black in Galway, two notorious resetters of skulking Jesuits, and administrators of a fund for the shelter and relief of such. To this written report were appended certain questions on which the Earl desired answers from the Council. Substantially they show that the Earl thought he had performed all that could be expected from him, and wanted to be relieved from further responsibility. The Council acquiesced generally in this view, but reserved a point or two for reference to the King himself. At pp. 761–2 will be found the King's reply on these points, dated from Newmarket 12th December; after which, at pp. 762–766, comes the record of the appearance of the Earl of Argyle in person before the Council on the 21st of December, fresh from his last proceedings in Kintyre, and anxious to wind up the whole business of his Lieutenancy and be back in England. He gave in a written narrative of all he had done in his western campaign, repeating in the main, but with some additions, the previous narrative by Archibald Campbell; and he then discussed with the Council the two points of still remaining difference between him and them, or rather between him and the King. It is evident that there was a very general impression among the Councillors, probably shared by his Majesty, that the Earl had not done quite enough in the way of bringing to justice either the most notorious of the 970 rebels who had been in arms with Sir James Macdonald, or the most notorious of those inhabitants of Kintyre who had almost unanimously abetted the rebels and neglected the proclamations for their concurrence with the Earl in the recent service. It is even more evident that the Earl had given some offence to his Majesty by keeping the paid companies of soldiers about him a month and a half after the Council had sent him his Majesty's order for their disbandment. On the first of these matters the Council were not disposed to press the Earl too hard, contenting themselves with requiring him to give in such catalogues of the names of the rebels and their abettors as might help in any further selection of victims by the Council itself; but on the second they were obdurate. The Earl had duly received his Majesty's order for the disbandment; and, as he had neglected it, the expense of the extra time of the service

of the soldiers must be borne by the Earl himself! As this meant about £7200 out of the Earl's own pocket, he cannot have been greatly pleased. He remained about the Council, however, for a few days more, attending to various odds and ends. Some of these seem to have concerned the rebels that had been brought to Edinburgh by Archibald Campbell, and were still in the Council's hands. The Council had already made up their minds to abandon the prosecution of these (p. 414); and on the 26th of December, the Earl then in his place in the Council, five of these, then prisoners in the Tolbooth (or they may have been rebels who had been apprehended independently), were delivered to him, to be at his disposal,—he undertaking for their convoy to Dumbarton, and for their maintenance in the Tolbooth meanwhile. See p. 439, where there is an important entry of the same date showing that even this small addition to the Earl's expenses may not have been nothing to him. His affairs had been for a long while in a highly embarrassed condition; some of his kinsmen had been involved by their responsibilities for him, — in particular, as we have seen, Campbell of Auchinbreck; hornings had been out against himself for debts, the execution of which had been stopped only by what were called "supersederes," or extensions of time in his favour; and now, his Lieutenancy being over, and his return to England imminent, his creditors were about him like hornets, insisting on satisfaction before he went. He extricated himself, it appears, by promising to see them all paid their "annuellis," or arrears of interest, "within tua or thrie days"; and, after another appearance before the Council on the following day, when he did an act of kindness for Macdonald of Largie, another of the lairds implicated in the rebellion (pp. 766–7), he was off for his journey southward and the pleasanter air of his English home.

On the whole his Lieutenancy had left a sense of disappointment. Not only had he not remained to do anything towards following up the suppression of the Macdonald rebellion, as had been prescribed to him, by the introduction of new institutions for the civilization of the Highlands and Islands; he had left even the immediate work of the pacification of those parts im-

perfect. He had left ragged ends of that work to be dealt with by the Privy Council, and to trouble them considerably through the greater part of the year 1616. Sir James Macdonald, indeed, was no more to be dreaded. He had escaped from Ireland to Spain, never to be seen in Scotland again, though with ten years of life in him for further adventures in Spain, and for a return eventually from those adventures to a peaceful and pensioned residence in the south of England. But, besides that MacRanald of Keppoch and his son were still at large in the Lochaber region, and that other stray survivors of the rebellion still lurked in various Highland haunts, what was to hinder the fugitives who had gone to Ireland with Macdonald from returning to the North Hebrides and renewing the disturbance? That this happened, and that the Council had much occupation for some time in looking after the various relics of the late rebellion, appears from a series of entries in the Register extending from January to July 1616. See from p. 767 to p. 771, with connexions at p. 441, pp. 488–9, p. 514, pp. 519–20, p. 525, pp. 539–540, and p. 561. The agency first employed, and persisted in for a while, was that of commissions of pursuit to the Marquis of Huntly, his son Lord Gordon, and others; but, this having proved ineffectual, the Earl of Argyle's kinsmen,—Campbell of Lundy, Campbell of Auchinbreck, and Campbell of Ardkinglas,—were reverted to as the proper persons to be called on to finish the Earl's work; and it was actually proposed once more to invest the Earl's brother, Campbell of Lundy, with a lieutenancy-substitute in his brother's absence. Again Campbell of Lundy declined any such honour unless he had his brother's permission; again he went to England for consultation with his brother; and, when he returned, it was again to refuse positively. The aspect of things in the Highlands seems to have by that time become so much quieter that the Council could trust to the activity of the Marquis of Huntly and Lord Gordon as sufficient. At all events, the Council could then think of no supplementary agency better than that of again making use of the Island and Highland chiefs over whom they retained still the peculiar and never-intermitted grasp that had been secured by the Band of Icolmkill. See the interesting nine

pages from p. 772 to p. 781, with relative briefer entries at p. 573, p. 574–5, p. 577, p. 579, p. 580, p. 588, p. 626. Six of the chiefs, one there finds,—viz., Sir Rory MacLeod of Harris, Hector MacLean of Duart, Sir Lauchlan MacKinnon of Strathordell (now a knight), MacLean of Coll, Hector MacLean of Lochbuy, and Donald MacAllan V^cIan, Captain of Clanranald,—were before the Council on the 11th of July 1616, and were ordered to remain in Edinburgh for further arrangements with them, the absence of Donald Gorm being at the same time excused on certificate of his being ill in Ross-shire, while Donald Macdonald, Tutor of Ardnamurchan, who had recently become a partner with those chiefs in their engagements (see *ante*, p. xliii), but who now failed to appear, was declared to have forfeited his surety by that default. The six did remain in Edinburgh till the end of the month, appearing once or twice more before the Council, and at their last appearance on the 26th becoming severally and conjunctly bound by a fresh compact of allegiance and obedience which can be described as nothing less than a revised and extended edition of the Band and Statutes of Icolmkill. They were to keep good rule in their domains, clearing them of "sornaris and ydill men wanting a trade, calling, and laughfull industrie"; they were to reside in certain specified castles or houses of theirs, built or to be built, and to keep them in comely repair, with "policie and planting" round them, and the "mains" about each under their own farming; each of them was to have only the allowed number of "gentleman servandis" in his household, and only one boat or "birling" of more than eighteen oars; they were never to carry firearms except in the King's service; they were at next Martinmas to let or lease out all the lands they did not themselves cultivate to tenants at fixed rentals, and to exact no more afterwards than those rentals; they were not to consume in their households more wine than certain annual quantities fixed for each, nor to allow any wine whatever to be bought or sold among their tenants; and they were to send all their children over nine years of age to schools in the Lowlands, "to the effect thay may be instructit and trayned up to write and reid, and to speake Inglishe." They

were, moreover, as hitherto, to be always ready to come to Edinburgh on a summons of sixty days delivered at the dwelling-houses of their Edinburgh agents; and at their next annual presentation of themselves in Edinburgh they were to bring with them and exhibit before the Council representatives of their principal clansmen selected out of lists of such which they had now respectively given in. They, or some of them, had given in at the same time the names of certain persons among their clansmen who had been with the rebels, or were otherwise beyond their control. To this agreement with the chiefs themselves, made as sure as could be by the interlocking of them in mutual responsibility for their several penalties in case of non-fulfilment in any point, there were added on the same day two relative acts by the Council itself. One was a prohibition of the use of wine (whisky not mentioned) by the common people of the Islands; and the other ordained all the principal clansmen of the Isles, as well as the chiefs, to send their children to Lowland schools for their education "in vertew, learning, and the Inglish tung," adding the stringent regulation "that no personis "quhatsomevir in the Yllis salbe servit air to thair father or "utheris predicessouris, nor ressavit nor acknowlegeit as "tennentis to his Majestie, unles thay can write and reid, and "speake Inglish." All which having been done in the Council-house on the 26th of July, and a duly-attested bond having arrived on the 26th of August showing that Donald Gorm in his place of illness in Ross-shire had subscribed to all the terms and so stood included in the compact, and MacLean of Duart, who had been detained in ward in Edinburgh Castle for certain unpaid dues to the King, having been liberated on the 2nd of September on security from his father-in-law, Acheson of Gosford, there was a virtual conclusion of the long chapter of Highland History which our present volume contains. There are, indeed, several later entries of some continued interest,—*e.g.* at p. 626, where the Island chiefs have his Majesty's indulgence for a limited use of firearms for their own recreation, and at p. 781, where caution is given in by the wife of the fugitive MacRanald that she will not reset her rebel husband or any of his followers. Finally, at pp.

677–8, we hear of the restoration by Campbell of Caddell of the "pittartis and uther geir" which had been lent him out of Edinburgh Castle for the siege of Dunivaig (there seem to have been more petards than the one served by James Anstruther), and of a message from the Council to the Earl of Argyle, now again in Scotland, requiring him to return three tents lent him from England for his expedition against the Macdonalds. At the same time we come to know that the five Macdonald prisoners whom the Earl had undertaken to maintain in the Tolbooth of Edinburgh till he could transport them to Dumbarton were still in the Edinburgh Tolbooth, and in a state of starvation. The latest of these entries stretch out the story to near the end of December 1616; but the new compact with the Island chiefs in the preceding July and August had been the real conclusion. Observing this, and how, after such a varied course of experience, and so many different tentatives, the Council had been able to devise no better agency in 1616 for the continued pacification and civilization of the Western Highlands and Islands than a renewal of Bishop Andrew Knox's invention of 1609 in the Band and Statutes of Icolmkill, we seem to hear the Council chaunting to itself, as if with a sigh of acquiescence, and at the same time of relief, these words of the old song:—

"Sae I'll leave aff where I began,
And tak my auld cloak about me."

THE ORKNEYS AND SHETLANDS.

Since 1609, it has to be remembered, the King's relative, Patrick Stewart, Earl of Orkney, had been a state-prisoner on charges of long-continued tyranny and oppression in the far north Islands subject to his sway, his place of confinement having been latterly changed from Edinburgh Castle to Dumbarton Castle. In October 1612, it has also to be remembered, the protracted proceedings against him, stimulated into increased severity by continued disturbances in the Orkneys and Shetlands, in his interest and with his connivance, by his brother, James Stewart, and his natural son, Robert Stewart, had been

consummated by an Act of the Scottish Parliament abolishing his Earldom and annexing the Orkneys and Shetlands to the Crown. Under this crushing blow the Earl had succumbed; and, his natural son, Robert Stewart, having come to Edinburgh in January 1613, made his submission, and taken an oath before the Council that he would never return to the Orkneys or the Shetlands without licence from the King, it appeared as if the Islands might thenceforth be at peace under the new government of Law, Bishop of Orkney, as the King's appointed commissioner in chief.

This state of things continues through the first fourteen months of the present volume. Through that time, accordingly, there are but such stray notices of Orkney and Shetland affairs as will be found at p. 43, p. 51, p. 90, p. 91, p. 110, p. 184, p. 200, p. 206, p. 215, p. 219, p. 220, pp. 223–4, and pp. 231–2. The most interesting of the facts furnished by these entries is that in June 1613 the Council fixed the allowance for the sustenance of the imprisoned Earl Patrick at £4 per day, that on the 7th of December 1613 they gave leave to one of his brothers to have access to him, that on the 25th of the same month they ordered him to be brought back from Dumbarton to his former confinement in the Castle of Edinburgh, and that in the subsequent months of January, February, and March 1614, there were conferences with him in the Castle and in the Council-house with a view to induce him to come to terms with his Majesty by a formal renunciation of all rights to his abolished Earldom. Although he was reluctant and dilatory on this subject, pleading for delay, and requesting permission to go to Court to settle matters with his Majesty himself, nothing had yet occurred that seemed to preclude the possibility of a settlement, and of a comfortable close of the Earl's life on something more handsome than £4 a day.

Within another month or six weeks, however, that prospect was overcast. At p. 239 under date 17th May 1614, one reads this ominous entry: "The quhilk day, Patrik, sometyme Erll of "Orknay, wes ordanit to be transportit fra the Castell of Edin- "burgh to the Castell of Dunbartane, conforme to ane warrand "in write send doun frome his Majestie to that effect." The

cause of this stoppage of negotiations with the Earl and transportation of him back to his prison in Dumbarton is indicated by several entries of the same date, one of them recording that a commission has been passed to Sir James Stewart of Killeith to pursue and apprehend the Earl's natural son, Robert Stewart, "wharevir he may be had within the boundis of Orknay," and another registering a proclamation "that nane within Orknay answer the said Erllis base sone of any of the rentis and dewtyeis of Orknay and Zetland." The young man, it appears, had broken his recent oath to the Council, and gone off on a desperate attempt to stir up a new commotion in the Orkneys and Shetlands. From this time, accordingly, a commotion in those Northern or Scandinavian Islands runs parallel for a while with that commotion in the Western or Gaelic Islands which began almost simultaneously with the seizure of the Castle of Dunivaig by the Macdonalds of Islay. The attention of the Council, and of the Committee of Council for the business of the Islands generally, was to be divided for a while between the two contemporary vexations.

Sir James Stewart of Killeith, who was selected for the management of the new difficulty, was one of the Ochiltree Stewarts, and was then tacksman and sheriff of the Orkneys. His commission, of the 17th of May, for the pursuit of the Earl's son will be found in fuller form at p. 695 ; an entry at pp. 247–8, under date 30th June, exhibits him in official connexion otherwise with Orkney and Shetland affairs ; and at p. 249 and p. 697, under date 5th July, there is a renewal of his commission against the Earl's son, who has meanwhile surprised the house of Birsay in Orkney, fortified and provisioned it, and left no doubt as to his farther intentions. In the course of subsequent entries for the rest of July and the beginning of August,—see pp. 250, 256, 698, 700, 701, 261, 262,—we become aware, however, that it was thought that the business would require stronger hands than those of Sir James Stewart. First, Robert Menteith of Eglisha, an Orkney laird, steps forth with offers for the suppression of the rebellion (p. 700); and then the Earl of Caithness, who is in Edinburgh himself, and has promised the Council to send 100 of

his own Caithness men, well armed, to the Orkneys for the service (p. 701), obtains such preference on that account, and as being the nobleman nearest territorially at any rate to the disturbed Islands, that the commission of Stewart of Killeith is superseded in his favour. On the 6th of August, as appears from pp. 701–706, and more briefly at p. 262, a commission of full Lieutenancy for the suppression of the Orkney rebellion was offered to the Earl of Caithness, and accepted by him on certain conditions, and preparations were begun for his departure as speedily as possible for the scene of operations. From the same pages we learn that the insurrection in Orkney had by that time assumed more formidable dimensions, the Earl's son being then master not only of the house of Birsay, but also of the Castle of Kirkwall, with the kirk and steeple of that town, and having about him a band of associates ready to live and die with him for the rights of their ruffianly, but not altogether unlikeable, old Earl Patrick. To be specially remarked is the entry at p. 262 respecting Earl Patrick himself. The constable of Dumbarton Castle, it is there recorded, had been ordered to see to the closer confinement of the Earl, and to such guard upon him as should prevent all communication between him and the outside world. It was clearly the belief of the Council that his son Robert had acted, and was acting, under his express instructions.

From the last-cited series of pages, and their sequel from p. 707 to p. 714, under dates 10th August, 11th August, 12th August, and 16th August, full and minute information may be gathered as to the equipment of the expedition which the Earl of Caithness was to lead to the Orkneys. It was originally thought that one ship of war, called "The Post of Leith," with a pinnace hired from Eustatius Robertson of Burntisland, would be enough; but a second ship of war, hired from Robert Cairncross of Edinburgh, was added. These ships, besides their armed crews, were to carry 60 soldiers in the King's pay, with a cannon from Edinburgh Castle called "Thrawn Mow," a battering piece from the same, and all the necessary appurtenances of powder, bullet, wheels, nails, pick-axes, rungs for ladders, planks, &c., &c. Qualified wrights, smiths, and cannoneers, at

£24 a month each, were to go in the ships, and also a surgeon, John Skemure, at £30 a month, with £100 for his outfit in drugs and implements, a herald at double the rate of the surgeon, and a trumpeter at £20 a month. The Bishop of Orkney was to accompany the expedition, and assist the Lieutenant with his advice. The ships having been tested, and all other arrangements made, and Stewart of Killeith having waived any rights he might have had in competition with the Lieutenant by his previous commission for the service, and the customary proclamations having been dispatched for musters of the lieges in the sheriffdom of Orkney to concur with the Lieutenant when he should arrive, with messages to individual Orkney lairds to the same effect and summonses to the rebels themselves to surrender, the little armament left Leith on or about the 20th of August for the northward voyage.

On the 23rd of that month the ships were off Kirkwall. The soldiers were then landed, and trenches were begun for the siege of the Castle and the Kirk-steeple. As there was a considerable conflux of Orkneymen to assist the Lieutenant, there was immediate alarm among the rebels and a thinning of their numbers by desertion ; but Robert Stewart and those left with him held out for about a month, returning shot from the castle and steeple in reply to the cannon of the besiegers. Four of the rebels in the steeple came out and surrendered themselves on the 14th of September ; and on Michaelmas day, the 29th, all the rest surrendered. A proportion of them having been tried and hanged on the spot by virtue of the Lieutenant's own powers of justiciary, and young Robert Stewart and the other principal culprits having been reserved for conveyance to Edinburgh, and the house of Birsay and the Bishop's palace (called " The Yairdis ") having been retaken, the whole affair was over so far as the Earl of Caithness was concerned. He waited about Kirkwall, however, for any further duty the Council might require of him.

One of the first acts of the Council on receiving the news of the success of the expedition was to order that Earl Patrick should be brought back from Dumbarton, to be confined once more, and now with peculiar strictness, in Edinburgh Castle. See the order

at p. 274, dated 5th October. For subsequent particulars in chronological order as far as to the end of the year 1614, see p. 715. pp. 276–7, p. 278, p. 280, p. 281, p. 282, p. 283, p. 286 and footnote, p. 287, p. 288, pp. 289–291, p. 293, p. 295, p. 728, p. 297. The facts of main interest are these :—On the 10th of October there was renewed Commission of Lieutenancy over Orkney and Shetland to the Earl of Caithness, that he might complete his work by taking further order with those parts, and garrisoning the places taken. On the 22nd of October there followed an order to him not to garrison the Castle of Kirkwall, but to see it demolished and razed to the ground; and on the same day, in recognition of his services, he was admitted, by his Majesty's warrant from Royston, a member of the Privy Council. On the 26th of October there were orders for the examination of Earl Patrick in presence of the Council, and for the payment of an allowance of 10s. a day to each of three of the Orkney rebels that had been brought to Edinburgh and were then in the Tolbooth in great necessity and misery. On the 1st of November a brother of Lord Secretary Binning presented to the Council certain written depositions by a John Sharpe, who had been a servant to Earl Patrick, and also the said John Sharpe himself, brought from England for the purpose; and on the same day this John Sharpe and another Orkneyman were allowed 10s. a day for their maintenance in the Tolbooth. On the 15th of November the Earl of Caithness was back in Edinburgh and took his place in the Council, having left the work of demolishing the Castle of Kirkwall to an agent, and having brought with him some more of the Orkney rebels, and also the two pieces of borrowed ordinance,—which last, with the keys of Kirkwall Castle hung round their mouths, were drawn exultingly through the crowded streets a few days later, and restored to the Castle barracks. On the 15th of November young Patrick Stewart, and his principal accomplice in the rebellion, Patrick Halcro (an ancestor surely of Scott's Claud Halcro in the *Pirate*), were allowed 30s. each a day for their prison-expenses. On the 24th of November there was formal exoneration and indemnity to the Earl of Caithness for all he had done in his Lieutenancy; on the 6th of December

he gave in certain supplementary reports of his justiciary proceedings; and on the 8th he had leave, by his Majesty's warrant, to go to Court. He remained nevertheless in attendance on the Council till as late as the 28th of December; after which his name does not reappear in the sederunts for a month or two. He had probably left Edinburgh, therefore, before the tragic conclusion to which matters had been drifting.

Although the Register duly minutes at p. 297 the order of Council, by the King's directions, for the trial of young Robert Stewart and the other Orkney prisoners before Justice Sir William Hart on the 5th of January 1615, it is not, of course, from the Register itself that we learn the facts of the trial or the result. These are given briefly in a footnote at the page cited, partly from *Pitcairn's Criminal Trials*, where the trial of Robert Stewart, Thomas Black, Archibald Murray, Andrew Martin, Alexander Laing, and Thomas Laing, on the appointed day, with the evidence and relative documents, occupies thirty-five pages (III. 272–307), and partly from *Calderwood* (VII. 194), where there is note of the hanging of all the six next day at the Market Cross of Edinburgh, and of the public pity more especially for Robert Stewart on account of his youth, tall stature, and comely countenance. At pp. 829–830, among the MISCELLANEOUS PAPERS, will be found a document which is not in *Pitcairn*. It is an unctuous report by the four ministers of Edinburgh and their four brethren of the nearest suburban parishes of a conference they had held with young Robert Stewart and his fellow-convicts in the Laich Council-house just before their execution, and of the behaviour of young Robert Stewart on the scaffold. Both in the conference and on the scaffold itself,—from the "foure neukis" of it in succession, his five companions standing with him,—he had acknowledged, the report said, the justice of his sentence, and had declared that nothing could have induced him to the rebellion but his father's orders. This confession may have had some influence on what followed. Within a week after the execution of the son, as may be seen at p. 298, there were preparations for the trial of the father on that new charge of treasonable complicity with the

EDINBURGH PUBLIC LIBRARIES

late rebellion which could now be added to the indictment he had so long been under for other and older crimes. On the 31st of January the arrangements for his trial were completed (p. 299); and the trial itself was on the 1st of February. There is a full account of it, with documents, in *Pitcairn* (III. 308–327); and from the notice of it in *Calderwood* (VII. 195) it appears that even the Councillors had no heart for it, and that some of the lords and lairds who had been summoned to be on the assize absented themselves. There was due conviction nevertheless, and sentence of death. By the intercession of the Edinburgh clergy, who found the Earl so brutally ignorant in religious matters as to be unable to repeat the Lord's Prayer, but perhaps also in the hope of the arrival of some missive of mercy from the King in answer to an appeal which the Earl had sent to Court before his trial, the execution was postponed till Monday the 6th of February (p. 300); but on that day, exactly a month after the son had been hanged at the Market Cross of Edinburgh, the father was beheaded at the same place (footnote p. 301). Earl Patrick, the reader may be reminded, was a cousin of the King's, being a son of one of the natural sons of the King's grandfather, James V.

The Orkneys and Shetlands, with no more interest now in their famous "Earl Pate" than as the memory of him might live in their legends, were thenceforth so much within the ordinary survey of the general Scottish Government that it is barely necessary to mention a few of the further mentions of them in the present volume. At pp. 313–4, under date 16th March 1615, there is exoneration to the Bishop of Orkney for his recent management of the Islands, with acknowledgment of his good services. Later in the same month, at p. 318, we see the Earl of Caithness back from his visit to England, and becoming caution for the future good behaviour of Patrick Halcro, the only Orkney prisoner that had not been brought to trial. Halcro is accordingly liberated, and goes back, one may suppose, to his native parts, to continue the name Halcro there for Sir Walter's use when the need for it should come. A week later, pp. 319–320, there is exoneration to Sir John Sinclair, kinsman to the Earl of

Caithness, for services he had been performing in the Orkneys as deputy for the Earl; and at pp. 322–3, under date 18th April 1615, we learn that the Castle of Kirkwall was not yet demolished, and that its demolition was no easy matter. At p. 403, under date 7th November 1615, there is note of the liberation of a young boy, named Harry Stewart, who had been imprisoned in the Edinburgh Tolbooth for five weeks for no apparent reason other than that he had been page to Earl Patrick. More important is the proclamation, of 25th January 1616, at pp. 449–50, warning the people of the Orkneys against certain false rumours as to his Majesty's intentions with respect to them, and reassuring them that there is to be no return to the arbitrary methods of Earl Patrick and his family. This may close the story, save that there may be a word more about the Earl of Caithness, on his own account. Not a man of lovely antecedents, but on the contrary chargeable with as great tyranny and oppression in his Caithness domains as had been practised by his neighbour Earl Patrick in the Orkneys and Shetlands, and under special obloquy moreover since 1613 for having treacherously surrendered to the Government his kinsman, Lord Maxwell, who had taken refuge with him in Caithness (see *ante*, p. 29 n and p. 45 n), he is supposed to have grasped at the proffered Lieutenancy against the Orkney rebellion partly to redeem himself from those antecedents, and partly with a view to the extension of his Caithness Earldom by the King's favour beyond its mainland boundaries. He had certainly flashed into singular favour for a time. But the duration of his favour was to be brief. Proof will be found in the Register not only of the coiling of troubles round the Earl of Caithness and his son Lord Berridale in consequence of a continued feud of theirs with Lord Forbes, but also of a glooming of his Majesty's countenance against them on other grounds. These, however, concerned themselves only, and do not belong to the story of the Orkneys and Shetlands.

MEMORABILIA IN THE GENERAL ADMINISTRATION.

Respecting the multifarious particulars coming under this description that are scattered throughout the volume, the following will perhaps serve as leading indications :—

Commissions of the Peace and Sheriffships.—Records of these are numerous and recurring, and will be easily found by the Index, either under the general word *Commissions* or under the names of the various shires. Such records are very useful historically, showing as they do who were the chief men in any particular shire at any particular time.

Feuds and Quarrels among the Nobles and Lairds.—This feature of old Scottish life continued so prominent that a good deal of the time of the Council was still occupied with attention to outbreaks of old quarrels, or appearances of new quarrels, in important families, and even among members of its own body. The Council was exemplary in this part of its duty, generally contriving to compel the parties to appear before it and give caution, submit their differences to arbitration or go into ward, and finally, after whatever reluctance, signify their ostensible reconciliation by "chopping hands." The following is a list of the chief instances of this kind in the volume, in the order of their occurrence; and the Index will guide to the pages where the facts are given :—

Lord Torthorwald and Lord Ochiltree.
Lord Scone and Lord Burley.
Maxwell of Newark and Montgomery of Skelmorlie.
Ker of Yair and the Burgh of Selkirk.
Earl of Angus and Ker of Fernihirst.
Lord Roxburgh and Crichton of Ryehill.
Menzies of Pitfoddels and Forbes of Monymusk.
Lyon of Auldbar and Wishart of Logie.
Wood of Fettercairn and Stratoun of Lauriston.
Marquis of Hamilton and Lord Ogilvie.
Earl of Caithness and Lord Forbes.
Lords Sanquhar and Kilmaurs and the Douglases of Drumlanrig.
Hepburn of Waughton and Robert Douglas.
Leslie of Crechie and Leslie of Wardes.
Wood of Bonytoun and Francis Ogilvie.
Veitches of Dawick and Hamiltons of Quotquot.
Sir Robert Dalzell and James Crichton.
Earl of Cassillis and Josias Stewart.
Rollock of Duncrub and Drummond of Pitcairn.
Cockburn of Ormiston and Hepburn of Auldertoun.
Lundie of Balgonie and Leslie of Newtoun.
Earl Marischal and Douglas of Glenbervie.
Earl of Perth and Lord Livingston.
Master of Blantyre and Scott of Balwearie.
Gordon of Lochinvar and Kennedy of Bargany.
MacGill of Cranstoun Riddell and Sir William Hart.
Pringle of Buckholm and Stewart of Falshope.
Leslie of Newtoun and Forrester of Strathenry.
Ramsay of Priorletham and Wemyss of Upthank.
Kincaid of that Ilk and Sir George Elphinstone.
Sir William Balfour and Captain Wishart.
Ker of Grange and Ker of Ancrum.
Glendinning of Partoun and Glendinning of Drumrash.
Mackintosh and the Laird of Altyre.
Boswell of Pittedie and other Boswells.
Gordon of Lochinvar and Vaus of Longcastle.
Kirkpatrick of Closeburn and his son.
Lundie of that Ilk and Wood of Largo.
Bruce of Airth and Baillie of Letham.
Arbuthnot of that Ilk and Strauchan of Thornton.
Lindsays of Fairgirth and Lindsays of Auchinskeoch.
Lundy of Balgonie and Lady Bass.

Not so much a case of feud as of intricate litigation as to property-rights was that between Lord Sanquhar, cousin and successor of the Lord Sanquhar who had been hanged in London for the murder of a fencing-master (*ante*, Vol. IX. p. 371 n.), and William Crichton, spoken of as an illegitimate son of that hanged lord by a French mother, and still but a minor, but whose rights were resolutely fought for him by powerful curators. The King took a personal interest in this case, apparently in resistance to the claims of the young man (pp. 841–2); and the Council seem to have had great difficulty with it. But, indeed, the King kept his eye on all cases of protracted dispute or feud.

Increased use of Fining as a punishment for minor offences.—A maxim of the King's, which he had communicated to the Council in a letter of 2nd May 1611 respecting an assault by the Earl of Lothian, was that the most effective punishment in most cases of that sort was a smart pecuniary fine (*ante*, Vol. IX. p. 606). The Council seem to have been acting on that maxim ever since, the rather because it brought grist to the Treasury. It had become the practice to impose fines rather than imprisonment for such offences as assault, illegal carrying of firearms, petty frauds, evasion of customs-dues, resistance to poinding, and ordinary breaches of the peace, or to commute imprisonment already inflicted for such offences into fines. The practice, stimulated perhaps by experience of the profitableness of the fining system in dealing with the resetters of the Macgregors, had so grown that the Council had found it convenient to keep a separate register of fines for ordinary offences. A distinct portion in the present volume, accordingly, extending from p. 785 to p. 804, consists of abstracts of entries in this Book of Fines from February 1614 to December 1616. The cases may be studied individually.

Trades, Industries, and Commercial Regulations.—The Mining Industries of Scotland come into notice first at pp. 15–17, where there is a record of the conditions of the infeftment of Sir William Alexander of Menstrie, Thomas Foullis, goldsmith of Edinburgh, and a Portuguese named Paul Pinto, in the Silver Mines of Hilderston in Linlithgowshire. It was hoped that the management of the new partnership would increase the yield of the mines; in which case his Majesty reserved the right of redemption of them for £100,000 Scots, meanwhile contenting himself with an annual rent of one-tenth part of all the silver-ore that might be extracted. These mines come into notice again at pp. 146–7, and again at pp. 221–3. Of the homelier, but probably more secure, industry of iron-mining there is mention at p. 22, in the form of an Act prohibiting the export of iron-ore, as detrimental to the home-manufacture of iron; and the prohibition is repeated at p. 51. But the precious metals were the more dazzling quest; and, as Thomas Foullis, one of the partners in the Hilderston Silver Mines, had come to think there were, or might be, processes for extracting silver out of lead or lead-ore, or at least for converting lead and lead-ore into litharge, white and red lead, and ceruse, there is a grant to him, at pp. 95–96, of a thirty-one years' monopoly of the application of these new processes to lead or lead-ore anyhow procured, quite independently of his Hilderston

partnership, on the condition of a yearly payment to the King of one-tenth of the profits. The Scottish collieries are the subject of some important entries at pp. 277–8, p. 291, p. 292, p. 372, and pp. 382–3. A question having arisen whether the coal of Scotland was sufficient for all the purposes of the Scottish people, and whether therefore the export of coal from the "coal-heughs" nearest the sea should be allowed, and the consideration of the question having been referred to a Commission, consisting of some of the Council, with a number of lairds interested, and the provosts and bailies of Edinburgh, Perth, Dundee, and St Andrews, it seems to have been found that an essential preliminary to a decision would be exact information whether the coal-heughs nearest the sea depended mainly on their inland trade or on foreign export. A special and smaller Committee, consisting of the Earl of Linlithgow and six others, having been appointed to obtain this information by actual visitation and survey of the coal-heughs along the Firth of Forth, the result was that, on the 23rd of August 1615, this Committee reported that they had visited nine coal-heughs in the specified district, and found "that nane of thame could be intertenyit with the cun-" trie and land saile of thair coillis unles thay had a foreyne dispatche and " saile of the same,"—*i.e.* that, if export of these coals were forbidden, the collieries must stop. This seems to have settled the matter; for, though the Council referred the report to his Majesty, we hear no more of it. Later in the volume metal-mining reappears. The Western Islands having been recovered from the troubles of the Macdonald insurrection, and the astute Archibald Primrose having perceived that something might be made of the minerals in those islands, there is a patent to him, at p. 525, of the copper and lead mines in Islay, Mull, Skye, and Lewis; and at pp. 531–3 there is a grant, by his Majesty's order, of the right of working the disused mines of Crawfurdmuir in Lanarkshire to an enterprising Englishman, Stephen Atkinson, who had persuaded himself that he had infallible processes for extracting gold and silver out of any ores that might contain them, and had agreed to give his Majesty a tenth part of all the gold and silver he might find in Crawfurdmuir. At pp. 626–7 this right, which was to be for the life of the said Stephen, is converted into a twenty-one years' lease to him and his brother William, with proviso that, if the mines became "of anie remarkable wourth," the King might redeem them on fair terms.—Of the fishing industries there are but vague glimpses, as at p. 231 about fishing in the North Isles, and p. 330, where a monopoly of the right of whale-fishing is granted for nineteen years to Sir George Hay of Netherclift (afterwards Clerk of Register) and a Thomas Murray. This monopoly, however, like other monopolies, must have been subject to the Act of Council which will be found at p. 86, under date 22nd June 1613, regulating that any trade-monopoly left practically dormant by its holder for three years should then lapse and become null.——At p. 273 there is an Act for enforcing former Acts against the export of wool, the practice of such export having become common again, to the detriment of the home-manufacture of cloth, and the raising of prices of native cloth. There is a relaxation of this Act at p. 287, on petition of

the Tacksmen of the Customs, permitting the export of 3000 stone of wool according to special licence previously obtained,—the ground of the relaxation being that the Act had been passed by his Majesty's direction on information, now found to be false, that English wool was brought in large quantities into Scotland and exported thence as Scotch wool. At pp. 592–3, however, there is a renewed order for the general enforcement of the prohibitory Acts. The vigilance of the Council against the export of particular kinds of skins appears in a case recorded at p. 356.—Renewed proclamations for the strict observance of Lent, involving prohibition of the sale or use of any kind of butcher-meat during the Lent season, will be found at pp. 11–12, pp. 218–19, p. 304, and p. 458 ; and with these may be associated a proclamation at pp. 312–313 for the year 1615 in particular. It is dated the 16th March of that year, and forbade the slaughter of lambs, or the transport of cattle ("nolt or sheep") into England, through all the rest of that year, on the ground that the preceding cold and stormy winter had made great havoc among the cattle and flocks, which could be repaired only by keeping "the haill bestiall" of the country within itself, and suffering the lambs to grow into mutton. At pp. 333–4, under date 26th April 1615, the order is repeated, except that the prohibition of transport into England is removed as regards "nolt" and limited to "sheep." But, exactly at the same Lent season next year, as appears at pp. 475–6, the Council, while not renewing the prohibition of the transport either of "nolt" or of "sheep" into England, did order a continued "universall forbearance of the slaughter of lambes" that year, averring as their reason the good effects of the forbearance of the previous year. The renewed prohibition of the luxury of lamb through 1616 does not seem to have been popular; for at p. 527, under date 4th June 1616, there is record of a Government prosecution and punishment of a number of butchers for having killed and sold lamb. Connect with this an entry at p. 843.—Contemporaneously with the order in the spring of 1615 against the transport of cattle or sheep out of the kingdom, was a similar order, which will be found at pp. 325–6, against the export of eggs. It had been discovered, it is there said, that there had recently grown up "a most unlauchfull and "pernitious trade of transporting of eggis," the offenders being certain "avaritious and godles personis, voyde of modestie and discretioun, who "preferring thair awne privat commoditie to the commoun weele, and to "these commoun dewities of civile conversatioun whilk they aucht to keepe "in the pairtis whair thay duell and hes thair residence, thay, be thame-"seffis, thair servandis and agentis, hes gone and gois athorte the cuntrey, "and byis the haill eggis that thay can gett, barrellis the same, and trans-"portis thame at thair pleasour." To stop a trade which thus not only raised the price of eggs in the home-market to "suche extraordinair and heich pryces as ar not to be sufferit in a weele-governit commonweele," but also threatened a great dearth or extinction of poultry, there was to be a penalty of £100 for every case of offence in future by private person, merchant, or ship-master. Similar orders of Council at pp. 572–3 and pp. 625–6 are directed against forestalling of the market in herring,

the second also forbidding the export of herring, more especially by the merchants and herring-packers of the Fifeshire burghs north of the Firth of Forth. So many persons in those parts, it there appears, were under prosecution for this offence in September 1616 that they could not be all tried in Edinburgh, and a small commission was appointed to cooperate with the Magistrates of the Fifeshire burghs for their trial in their own neighbourhoods. In connexion with this may be mentioned some curious entries respecting a trade in red herring. That trade, it would seem, was a novelty in Scotland in the year 1615, the Scots having till then contented themselves with fresh herring or salted herring kept in brine, and no one having thought of a means of curing herring dry. This is what we are asked to believe, at all events, at pp. 436–439, by Joseph Marjoribanks, George Todrig, James Arnot, and Charles Geddes, merchants in Edinburgh. In a suit before the Council, on the 26th of December 1615, they represented that "thay and some otheris who hes enterit in societie and fellow-"schip hes at thair grite chargis and expensis interprisit and begun the "trad of making of reid herring, nevir heretofoir practized in this kingdome, "and thay have biggit a nomber of housis at the burgh of Dumbar, and "providit all other thingis necessar for the furtherance and advancement "of the trade." They complain, however, that Archibald Campbell, brother of the Laird of Lawers (already known to us as factotum for the Campbells in all their affairs, and at that very moment, as the Register shows, in Edinburgh with the Earl of Argyle, reporting finally on the victorious conclusion of the expedition against the Macdonalds), had obtained a royal patent of monopoly in the same industry of "making of reid and dry herring,"—a pure act of greedy craft on his part, inasmuch as it is an industry in which "he has nather skill, moyen, nor possibilitie," and which is "onlie proper to be followed oute be merchantis and trafficquaris." The Council, with the two mutually contradictory documents before them, —one a privilege to complainers, dated at Newmarket on the preceding 21st November, of a twenty-one years' monopoly in the red-herring business from Tweedmouth to the Pentland Firth, and the other a draft patent, dated at Royston on the 18th of October 1614, for a similar monopoly to Archibald Campbell, but with extension to the West Coast, —seem to have been nonplussed. They extricated themselves by adopting a suggestion made by the Magistrates of Edinburgh. This was to give no immediate decision, but refer the question to the judgment of the Burghs of the realm collectively, as fittest judges of such questions. At the Convention of Burghs in the following July, accordingly, this matter of the red-herring monopoly was discussed along with other questions affecting trade and commerce,—one of these, as appears at p. 578, being the proper construction of barrels for herring, white-fish, and beef. Then, after another glimpse of the red-herring affair at p. 620, it comes up finally at pp. 640–641, in an unexpected form, on the 9th of October 1616. The two litigating parties had meanwhile come to an agreement, waiving their conflicting claims in favour of an absolute monopoly in red herring to be granted to one of his Majesty's servitors, Robert Hay; and, his Majesty

having written to the Council instructing them to pass the patent to this Robert Hay, the Council had summoned all the parties again before them, as well as such members of the Edinburgh Town Council as might best represent the opinion of the Burghs generally. That opinion was conclusive. Not only was it represented that the previously litigating parties had no rights to waive, inasmuch as they had at the late Convention of the Burghs renounced all rights and "acknawledgeit thair oversicht in suteing of such a patent, so hurtefull and prejuditiall to the haill Burrowis"; but it was proved that red herring was no very new invention in Scotland, but at least as old as 1609, and it was argued therefore that, "however in some caisis suche patentis are tollerable in the personis of "these who are the first interprysaris, practizearis, and inbringairis of a new "proffitable trade never hard of nor knowen afore," Robert Hay's patent ought not to pass. The Council, to their credit, adopted this sensible view, dismissed the patent, and declared the trade of making red herring "to be in all tyme comeing free to all his Majesteis lauchfull subjectis, "tradesmen and trafficquaris, to be usit be thame at thair pleasoure."—— As there is no special mention of the wine-trade, we are at liberty to suppose that there were no novel regulations on that subject, and that the Caledonian who could afford wine could have his customary French claret, or any dearer wines, through the years of this volume, very much as before. But at pp. 207–8, there is a proclamation in favour of those fastidious beer-drinkers who preferred English beer to the native article. Vintners had been raising the retail price of English beer to as high as 2s. 8d. per pint (Scottish pint and Scottish money, remember=over 3 English pints for less than 3d. English), on the plea that the wholesale price did not allow them to sell cheaper; and, on the principle that it is "aganis the policie of all weele governit commounwelthes that ony foreyne commodityis sould be sauld at ane heichar raite and pryce nor the native commodityis of the countrey," it was ordered that previous acts and proclamations on the subject should be rigidly enforced, and English beer should be sold at a wholesale price enabling vintners to return to the regulation retail price of 18d. a pint (=1½d. English).——At pp. 516–517, under date 22nd May 1616, or exactly a month after Shakespeare's death at Stratford on Avon, there is an Act any English equivalent of which, though it might not have much discomposed *him* in his retirement there, would certainly have astounded those dramatic and other comrades of his in Raleigh's Mermaid Club whom he had left in London. It was an Act after King James's own heart, and very much after his own style of expression, setting forth that, as his Majesty had been "crediblie informed "that the use, or rather abuse, of taking of tobacco is laitlie croppin in "within his Hienes Kingdome of Scotland, ane weade so infective as all "young and ydill personis ar in a maner bewitcheit thairwith, the taking "wherof being a speciall motive to thair often meitingis in tavernis and "alehousis," therefore there was to be total prohibition of the future import or sale of tobacco anywhere throughout the kingdom. As the penalty was to be the forfeiture of all seized quantities of the prohibited

article, one-half to go to the informer, and the other half to the King, one does not see how either the informer or the King could have been advantaged, except by the carriage of the confiscated stuff across the Border and the sale of it among the English, as incorrigibly tobacco-smoking already; and possibly this may have been contemplated. At all events, revenue considerations must have been at the bottom of the preposterous enactment. That tobacco had heretofore been a legitimate enough import into Scotland is proved by the Book of Rates of 1612, where the best sorts of tobacco are valued for import duty at £18 (30s. sterling) per lb.; and one has only to turn to p. 659 to find the new enactment made a nullity by the issue by the Council, on the 19th of November 1616, of a "commissioun" to a Captain Murray "for selling and home-bringing of tobacco for xxi years." There had been especial intriguing, no doubt, for this valuable monopoly.

Coinage and Bullion.—Among various Acts and orders relating to the Mint one notes chiefly those at p. 57, p. 62, p. 164, pp. 823–5, p. 209, and pp. 213–5 respecting a new coinage of small copper pieces. The proposal originated in an overture made to the King by the Marquis of Huntly for the coining of no less than 10,000 stone weight of copper into small pieces, the Marquis offering his Majesty £40,000 for the privilege of doing so; and, though the Council unanimously dissuaded the King from flooding the country with such a large quantity of copper coin at once, yet, on the ostensible ground that a moderate issue might be "for the ease and benefeit of the poore, who are so far prejudjeit of the cheritie and almous of the people throw default of small money," there was an order in March 1614 for the coining of 300 stoneweight of copper into 2d. pieces. Other Acts renew the standing prohibition against the exportation of gold or silver and against the use and circulation of foreign coin. At pp. 79–81 is an interesting enumeration of the foreign coins then chiefly in illegal circulation in Scotland, with the prices which would be paid for them respectively on their being delivered into the Mint as bullion; and at p. 230 there is an Act reminding merchants of their obligation by former Acts always to import bullion from foreign countries in proportion to the quantity of their exports to those countries.

New Tack of the Customs.—While the King's revenues from his Scottish Kingdom, over and above his rents from the Crown lands and his receipts from current Parliamentary Taxations, were made up of many miscellaneous items,—mint-profits, escheats, fines, casualties of wardship, &c.,—a very important item was always that derived from the Customs. Now, it so chanced that the tack or lease of the Customs which had been farmed out in 1611 to twelve speculative persons, chiefly Edinburgh and Glasgow men, who had associated themselves in partnership for that transaction (*ante*, Vol. IX. pp. lxxiii–lxxv), expired in 1616. See pp. 598–602 for evidence of the interest which his Majesty felt in that matter. It was still only August, and the old Tack had nearly three months still to run; but he had written to the Council explaining that he thought the Customs worth more than he had been receiving for them, and instructing the

Council therefore that there was to be no private bargain with the existing Tacksmen, but that the new Tack of the Customs from 1st November next should be put up to public roup in the Exchequer House in Edinburgh upon the 30th of the then current month. There was to be proclamation of this at the market-places of all the chief towns, so that all might come and bid who chose. Turning to p. 620, we find the result of the great sale on the appointed 30th of August. It is seldom that an old document enables us to imagine a scene so distinctly. We see assembled in the Edinburgh Exchequer House on that day two rival sets of bidders. The old Tacksmen appear, or the survivors of them, anxious to have a renewal of their tack, and with Archibald Primrose as their deputed spokesman; but Roger Duncanson, merchant-burgess of Edinburgh, and James Stewart, younger, merchant-burgess of Glasgow, appear as representatives of another partnership. Then, certain preliminaries of the sale having been settled,—as that the old partners shall have the first bid, that the augmentation at each bid is not to be less than 2000 merks, and that either party afterwards backing out of its offers shall forfeit 5000 merks, —the bidding begins. "Present sum," says Archibald Primrose, starting the sale. "Ten thousand merks more," says Roger Duncanson for the rival party, rising handsomely at once to what he knew the King was prepared to accept. "Twelve thousand," says Primrose, topping him cautiously with the smallest augmentation that would pass. "Eighteen thousand," retorts Duncanson, moving up three times as much as was required. "Twenty thousand," replies the still cautious Primrose. "Twenty-four thousand," calls out the still eager Duncanson, hoping to end it. "Twenty-six thousand," nods Primrose quietly, always cautious. "Twenty-eight thousand," sighs Duncanson, cautious now in turn. "Thirty thousand," smiles Primrose; and Duncanson is dumb! The hammer falls, and the new Tack of the Customs goes to Primrose and his partners. The annual rental for the previous tack, one finds, had been 180,000 merks, or £120,000; but from the ensuing 1st of November 1616 the rental was to be 210,000 merks, or £140,000, a year. Even at that price the tack was likely to be profitable enough to Primrose and his partners. So far as I can see, Archibald Primrose, the Edinburgh writer, and Archibald Campbell, the Highland factotum of the Campbells, were the two men in all Scotland in those days who had the most inventive heads for finance-projects; but I think the Edinburgh Archibald might have always been safely backed against the Argyleshire one.

The Burghs.—Particles of the Burgh-history of not a few of the Scottish Burghs individually are abundant in the volume, and will be easily found by the Index. Edinburgh, of course, figures chiefly, either by itself or in its relations with the Canongate and with Leith; but there is more or less also about the municipal affairs or the crafts-affairs of Aberdeen, Burntisland, Dalkeith, Dumbarton, Dumfries, Dunbar, Dundee, Glasgow, Hamilton, Hawick, Irvine, Kinghorn, Kirkcaldy, Kirkcudbright, Linlithgow, Montrose, North Berwick, Perth, St Andrews, Selkirk, Stirling, and Wigtown. Of the collective action of the Burghs through their annual Con-

vention we have had an example in their treatment of the question referred to them as to the propriety of a monopoly in the trade in red herring. For their behaviour on the occasion of a similar reference to them of questions appertaining to the export of wool and the possibility of establishing such an extensive cloth manufacture in Scotland as should consume all the native wool, see pp. 506–7 and p. 572. From p. 43, p. 100 n, p. 164, and pp. 191–3, it appears that to as late as the end of 1613 the Burghs were still troubled by the King's persistent assertion that it was for them to repay the costs which Mr Patrick Gordon, his Majesty's Agent in Dantzic, had incurred in prosecuting and bringing to the scaffold the wretched Pole Stercovius for his libel on the Scottish nation (*ante*, Vol. IX. pp. lxxxvii–lxxxviii). Not till the 14th of July 1614 was the matter wholly ended, and then, as appears at p. 251, by a voluntary offer by the Burghs of a certain sum to the King out of which Mr Patrick Gordon might be paid, "althoght the caus of the offer thairof be the Burrowis be "suppressed and cancelled in thair Act." One infers that the Burghs repudiated all connexion with the Stercovius affair, and took precautions that this should be signified by the manner of their offer.

The Borders.—How completely those districts had lost their once formidable and turbulent individuality appears from the comparative paucity of the mentions of them, and from the fact that in such mentions as there are they are always called by their insipid new name of "The Middle Shires." The separate Commission for the administration and police of these Middle Shires was, indeed, still kept up,—the Commissioners appointed or reappointed in November 1613 being, as appears at p. 168, Lord Cranstoun, Sir Gideon Murray, Sir William Seyton, and Sir Andrew Ker of Oxenhame; and this last, as we have seen (*ante*, p. vii), was shortly afterwards appointed to succeed Sir Robert Ker of Ancrum in the captaincy of the special police-force of the same shires. Save for subsequent merely incidental gleams of those shires, however, at p. 174, 184, 198, 200, 469, and 477, we have to pass to p. 847 to be reminded of the nominal distinctness which they still retained. In consequence of reports to the King of some recent outbreak of the old thieving habits of the Borderers, he wrote the rebuking letter there recorded. It represented that either the Commissioners of the Middle Shires must have been remiss in their duty or there was some other defect; and it ordered that, in either case, the Council should in future have the Commissioners regularly before them once a month, and exact from them a particular report of their diligence in their offices.

Intercourse with England and with Ireland.—For renewed general proclamations against the resort of "base and beggarly" Scots to England, or of any Scots whatever to his Majesty's Court without special licence, see p. 324 and p. 408; and for individual instances of the extreme difficulty with which licences were obtained see p. 217, p. 224, p. 270, p. 274, p. 299, p. 335. There was necessarily, however, much coming and going between England and Scotland for the purposes of authorised traffic. And so between Scotland and Ireland, the rather because so many Scots were now

naturalised in Ireland, or were becoming naturalised, as settlers in the Ulster Plantation. The Earl of Abercorn and Lord Ochiltree, as the chiefs of that Scottish emigration into Ireland, were the main connecting links botwean it and the mother-land; and, accordingly, besides interesting entries following these two noblemen individually into their new fortunes in Ireland, there are some notices of them as agents in the required intercommunication. See p. 28 and p. 463. But the most definite Act for regulation of the commerce between Scotland and Ireland is that of 11th July 1616, printed at pp. 566–570. It fixes the Scottish ports whence alone from that date the commerce should be lawful, lays down certain rules for its conduct, and appoints two western lairds to be commissioners for seeing these enforced.

Education.—At p. 18 there is notice of a commission in March 1613 for the visitation of the University of Aberdeen; and at pp. 195–197 may be read in full a commission to Archbishop Spotswood and twelve others for the visitation of the University of Glasgow and correction of abuses there. There are more general Education Acts at pp. 671–2; but these will be more appropriately mentioned under the head of CHURCH AND RELIGION.

Sundries.—In addition to all the foregoing, the following are important enough to be noted independently:—(1) *A General Wapinschawing.*—Annual wapinschawings over the whole nation had by this time become a nearly obsolete institution, the chief reason for them having ceased at the Union of the Scottish and English Kingdoms; but, either because it was thought a pity on sentimental grounds that the old custom should vanish entirely, or because of some notion of practical utility in it still in connexion with the disturbed state of the Highlands and Islands, there was a proclamation on the 21st of June 1614 for a new and general Wapinschawing to be held over the whole kingdom on the 27th of the following month. See pp. 244–5.—(2) *Project for improved Travelling Arrangements over the Country.*—At p. 832 is a letter from the King, of date 1st July 1615, recommending to the attention of the Council certain overtures that had been made to him by Sir William Seyton for the establishment of an improved locomotive service over the country in the shape of regularly distributed posting stations at which horses could be procured at fixed rates, the said Sir William Seyton to have the office of Master of the Posts with a sufficient salary. The overtures themselves follow at pp. 833–9 in perhaps the worst-written document in the whole volume. Sir William's knowledge of inns, horses, and posting-possibilities may have been better, however, than his grammar. In 1615, it is to be remembered, riding was the usual mode of travelling, and horses had not been degraded so generally as afterwards into the one service of drawing vehicles.—(3) *New Regulation as to the Commissioners for the small Barons in future Parliaments.* This Act, affecting that one of the Estates of the Realm which consisted of the Lairds or Lesser Barons elected to represent the Shires in Parliament, is of date 30th April 1616, and will be found at pp. 502–3.—(4) *Establishment of Parish Registers of Births, Marriages,*

and Deaths. There had been some practice of such registration in Scotland before; but the Act regularizing the practice and making it imperative is of date 10th December 1616, and is given at pp. 669--670. How it was occasioned will appear under a later heading.

SOCIAL AND PERSONAL MISCELLANEA.

Of the fifty criminal trials or thereabouts reported in *Pitcairn* from the records of the Scottish High Court of Justiciary through the three years and ten months of our present volume, none caused greater sensation at the time than that, or rather those, of Robert Erskine, and his three sisters, Helen, Isobel, and Annas, for the poisoning of their nephews, John Erskine, the boy-laird of Dun in Angus, and his younger brother, Alexander. That there should have been in any family so mean a murder-conspiracy as this of an uncle and three maiden aunts to get rid of two boys standing between them and the family estate would have been horror enough; but the horror was aggravated by the fact that it had occurred among the near descendants and heirs of the famous Erskine of Dun, one of the lay chiefs of the Scottish Reformation, and the friend of Knox. Hence more frequent entries respecting it in the Register of Council than about most criminal trials. See p. 94, p. 152, p. 170, p. 172, p. 180, p. 199, p. 239, p. 315, and p. 584. A summary of the facts is given in a footnote at p. 172; and it is enough to mention here that the uncle was beheaded at the market cross of Edinburgh on the 1st of December 1613, and that two of the aunts were beheaded at the same place in June 1614, while the third, who was thought the least culpable, was spared from execution, and had her sentence commuted afterwards into perpetual banishment.

Unusually numerous also are the entries respecting a boy-laird called Adam French of Thornidykes. See them at p. 422, p. 423, p. 432, p. 448, p. 451, p. 466, p. 477, and pp. 528–9. All that one sees in these entries, however, is a young boy tossed about by the Council from one guardianship to another, that of Archbishop Law of Glasgow favoured most; but why all this

trouble was taken with him does not appear. The affair is cleared up by one of the Trials in *Pitcairn*:—Adam French of Thornidykes, one there learns, was a boy-laird, just over fourteen years of age, the rights of whose wardship and marriage belonged by gift from the Crown to Sir John Home of North Berwick; and the cause of his extraordinary publicity for a while was an action that had been brought against Sir Patrick Chirnside of East Nisbet, and four others, his associates or servants, on the charge of having abducted the boy from school at Haddington in November 1615, carried him against his own will to East Nisbet, taken him thence to Berwick-upon-Tweed, and seen him married there to Sir Patrick Chirnside's daughter. As the abduction of a ward of the Crown was a criminal offence, the prosecution was by the King's Advocate; but Sir John Home of North Berwick was the party really aggrieved. It was a beautiful case for the lawyers, involving many points of doubt; and the pleadings on both sides, as given in *Pitcairn*, are a capital specimen of old Scottish juridical ingenuity. What concerns us here is mainly the fact, of which the proof seems abundant, that the boy himself objected greatly to being the object of so much attention, and to being shifted from domicile to domicile, and wanted to be back with his wife and her father, perfectly satisfied with his marriage, whether he had originally desired it or not. That this was likely to be the ending of the case might be inferred from the last of the above-cited entries respecting it in the Register, dated 4th June 1616; but it was not till November 1616 that the conclusion was actually reached. Then, after the case had been fully argued out in Court to the delight of judges and counsel, the boy's own evidence, with the fact that he was then old enough to appoint curators and had done so in July, seems to have been decisive. Both the parties interested having been bound over to keep the peace, the Lord Advocate desisted from the prosecution.

A third criminal prosecution, of unusual interest at the time, is of interest still as part of the family history of the Gordons of Gicht in Aberdeenshire, the maternal ancestors of Lord Byron. Of the special unruliness of this sept of the Aberdeenshire

Gordons for some time past, and of the obstinacy of their Roman Catholicism, there have been illustrations in previous volumes. It is in the present volume, however, that the particular George Gordon, laird of Gicht, in whom the unruliness of his race had for some time already been represented conspicuously enough, is seen outdoing his former self. The story is worth telling somewhat in detail:—

At p. 456, under date 8th February 1616, we hear that a quarrel had broken out between Gordon of Gicht and the Hays of Brunthill, a neighbouring Aberdeenshire family, and that both parties were then ordered to appear before the Council under penalties, and to give securities meanwhile for keeping the peace. At pp. 474–5, a month later, *i.e.* on the 12th of March, we learn that one of the Hays of Brunthill did appear, and was committed to the Tolbooth till the feud should be further investigated, the old Laird of Brunthill himself being excused on certificate of illness, and two others of his sons on certificate that they were unable to travel in consequence of wounds they had recently received in an encounter with the Laird of Gicht, but that the Laird of Gicht made no appearance and was outlawed for the disobedience. We learn at the same time something of the nature of the quarrel, and of the facts of the encounter and the bloodshed. A daughter of Gordon of Gicht, it appears, had married William Hay, brother of the Earl of Errol; and, as there was some difference between this William Hay and his Errol kinsmen, in which the Hays of Brunthill were included, Gordon of Gicht had made common cause with his son-in-law. Unfortunately, the three younger Hays of Brunthill had gone, on the 1st of February last, to a bridal in "ane oistler house" about a quarter of a mile from the place of Brunthill; and there Gordon of Gicht and his son-in-law, with an armed party on horse and foot, and carrying hagbuts and pistols, had fallen upon them unawares, shot at them, and left two of them severely wounded. This is the account, it is to be observed, of the Lord Advocate, who has now taken up the case in the interest of the Hays of Brunthill, as the party who have shown themselves obedient to the law. He is prosecuting the absent Gordon of Gicht, with his absent son-in-law, and two of his brothers, John and Alexander Gordon, who took part in the assault and bloodshed; and he aggravates the prosecution by alleging that the Gordons are in the habit of going about continually with hagbuts and pistols. The Council that day, accordingly, give decreet in absence against Gordon of Gicht, his brothers, and his son-in-law, and issue peremptory orders for their submission to justice.——They do nothing of the sort; but, a month later, on the 16th of April, as appears at pp. 494–496, they endeavour to upset the decreet by causing a counter-complaint against the Hays of Brunthill to be moved before the Council, putting an entirely new complexion upon the affair at the "oistler house." *They* the aggressors! No! it was the Hays of

Brunthill themselves! The Laird of Gicht had been labouring to bring about a settlement of the difference between his son-in-law and the other Hays, and, after "grite panes and travellis," had arranged for a "tryst" of both parties at the Kirk of Cruden; and it was while he was engaged in this laudable exertion, and had almost brought it to a point, that the bloodthirstiness of the Hays had marred all! He had gone to his son-in-law's house, not far from the said Kirk of Cruden, to make final arrangements with him for the "tryst"; and, after their talk, he and his son-in-law, with three of his son-in-law's servants, had gone out for a quiet evening walk and the chance of a little hawking along the water of Cruden! They were on foot, with mere "ganging staulfis" in their hands, and expecting no evil! But the three young Hays of Brunthill, who had been drinking all day with their companions in an "oistler house" near, had taken their opportunity! First one and then another of them came out; and, from mere taunting cries to the Laird of Gicht over his hawking occupation, the affair grew into a chase, an assault with swords, a tumbling of the Laird of Gicht's son-in-law into a mill-dam, and every likelihood of a massacre! "By the providence of God," however, it chanced that the servant who carried the hawk had brought with him a hagbut for shooting a crow with, for food to the hawk; and the Laird of Gicht, having this hagbut slipped into his hand, was able to make a stand and prevent the threatened extremities!—The Council punctually disbelieved this version of the "oistler house" affair, accepting the oath of the defenders that it was not true. But this was not all. On the same day there was sprung upon Gordon of Gicht in his absence a much more serious charge than that of the assault at the "oistler-house." See the long and highly picturesque narrative at pp. 496–502. It carries us back to a point in the history of the feud between the Gordons and the Hays earlier than that of the "oistler-house" scrimmage, and it exhibits Gordon of Gicht and a number of his kinsmen and retainers as under prosecution for the capital offence known as "Murder under Colour of Law." The substance, with a fact or two thrown in from other quarters, may be given briefly.——On the 15th of December 1615, a certain Francis Hay, son of George Hay of Ardlethame, and relative of the Hays of Brunthill, had killed Adam Gordon, one of the Laird of Gicht's brothers, and had taken refuge in the house of William Hay of Logiruif. Three days after, *i.e.* on the 18th of December, the house was besieged by Gordon of Gicht, with his son-in-law William Hay, four of his remaining brothers, John Gordon of Clubsgoull, sheriff-depute of Aberdeen, and a host of retainers of the Gordons, all armed. After some resistance, they seized Francis Hay, and carried him, under a strong guard, to Aberdeen, where they arrived about ten o'clock that night, and lodged him in the Laird of Gicht's town-residence in the Gallowgate, commonly called "The Bonny Wife's Inn," suffering none to have access to him. Thence, in the forenoon of the 20th, they took him along the streets to the tolbooth of the town, the Laird of Gicht having meanwhile by missives and letters brought into the town all the Aberdeenshire lairds and gentlemen of the Gordon following and friend-

ship, to the number of 200, to overawe the town during his intended further proceedings. All the arrangements for a trial of the prisoner in the Tolbooth having been previously made by John Gordon of Clubsgoull, in his capacity of sheriff-depute of Aberdeen, the form of trial was gone through; such Aberdeen lawyers as would have acted as counsel for the prisoner were intimidated from appearing in his behalf; and, the prisoner, having been found guilty by a packed jury of the Gordon connexion, was sentenced to death by beheading, and was delivered over to Gordon of Gicht and his comrades for execution. They kept him in the Laird of Gicht's foresaid residence of "The Bonny Wife's Inn" till about seven o'clock on the next Sunday morning; and then, taking him "doun the closse of thair ludgeing" and out at a "bak-yett" to a hole between two moats, "thay crouned thair tragidie with so butcherly magling the poore gentleman with sex severall straikis upoun his schoulderis, hind-head, and neck, as the lyke has never or seldome bene sene or hard."—Such was the additional indictment produced by the Lord Advocate before the Council on the 26th of April 1616 against Gordon of Gicht and his associates; and, Gordon of Gicht being then absent, and only his son-in-law being present for the defence, the result was that a number of those who had been included in the indictment as art and part in the tragedy of the preceding December were assoilzied from defect of proof, but the charges were held proved against Gordon of Gicht himself, his son-in-law William Hay, two of his brothers, the Sheriff-depute Gordon, and a servant named Baird. The son-in-law, as present, was remitted to the Edinburgh Tolbooth; and charges were issued to Gordon of Gicht and the others to surrender themselves.—An entry at p. 555 shows that Gordon of Gicht was still at large on the 2nd of July 1616; another at pp. 575–6, registering a commission to the Captain of the Guard for the apprehension of Gordon of Gicht and a number of other Gordons on an accumulation of charges, certifies the same to as late as the 16th of July; there is a glimpse at p. 585 of Gordon of Gicht and his son-in-law as then jointly accused on another old charge of assault; but not till pp. 594–5, under date 1st August, have we again a clear view. On that day the Council register a letter from his Majesty giving directions as to the management of the feud between the Gordons and the Hays. He directs that, in the first place, there shall certainly be a regular trial of the Gordons for their various alleged crimes, and especially for the unlawful arrest and execution of Francis Hay, but that there shall be effort in the sequel for a reconciliation of the parties,—to which, indeed, he has heard, the parties themselves have been tending. At pp. 604–5, accordingly, under date 27th August, we become aware that the trial is at hand. The next day, 28th of August, was to be a great "day of law" in Edinburgh for the trial of Gordon of Gicht and his associates for the Hay murder; and, as there was sure to be a concourse of Aberdeenshire people to Edinburgh, both in the Gordon interest and in the Hay interest, there was proclamation to the lieges to keep the peace, with special prohibition of a crowding of the Court by either Gordons or Hays.—Here the matter

ends so far as the Register of the Council for the present volume is concerned; but from *Pitcairn* (III. 399–402) we learn that the trial did actually begin on the 28th of August,—the Earl of Errol, as the head of all the Hays, having come to town on purpose to champion that side,—but that, after some formalities of initiation, there was an indefinite adjournment. All the strength of the Gordons was matched against all the strength of the Hays; and, as arguments were not wanting for the legality of the procedure of Gordon of Gicht and Sheriff-depute Gordon in the apprehension, trial, and execution of Francis Hay, no ingenuity of counsel that money could purchase for the Gordons but was sure to be forthcoming.—What our next volume may produce in the case cannot be here anticipated; but the last glimpse of it in this is in the King's letter printed at pp. 847–8. It is dated from Newmarket, 7th December 1616, and orders the release of Gordon of Gicht's son-in-law William Hay, as having been "sufficiently punished" already by his long detention in ward for the "insolence and riote" committed upon the Hays of Bruntshill.

Notices of prosecutions for *Witchcraft* will be found at p. 4, p. 28, p. 76, p. 231, p. 329, p. 388, p. 414, and p. 478; and at p. 132, p. 556, p. 559, p. 579, p. 620, and pp. 655–6 are notices relating to the *Scottish Gypsies*,—the last a renewed proclamation for carrying into effect the Act of Parliament of 1609 for the extermination of those "vagabondis, sornaris, and commoun thevis commounly called Egiptianes," and for the punishment of their resetters. See also, however, p. 846, where there is a royal letter of November 2, 1616, ordering the release of a number of Gypsies then in the Tolbooth of Edinburgh, and the commutation of the punishment of death in their favour into expulsion from the kingdom. It is clear that the reset of Gypsies in all parts of Scotland, or in some parts, must have been as common as the reset of Macgregors.

Among the minor prosecutions recorded in the volume are not a few of the kind that might have supplied Scott with incidents, tragic or humorous, suitable for his novels. Perhaps the best examples are those which will be found (1) at p. 269 and p. 271, where there is the story of the flight of Robert Douglas, a minister's son, from an act of accidental homicide in which he had been himself wounded, (2) at pp. 460–3 and p. 509, where there is a rich story of the braggart behaviour of Aulay Macaulay, younger of Ardoch, in the streets of Stirling, (3) at pp. 553–5,

where there is an account of the conviction and punishment of Sir Robert Crichton of Cluny, on the 2nd of July 1616, for a tumult caused by him the preceding Sunday during service in St Cuthbert's church, Edinburgh. The narrative in the text of the Register is so good in each case that it would only be spoilt by attempted abstract.

Life in Scotland in the reign of James VI. did not consist principally in the crimes, riots, and cruelties that necessarily registered themselves in documents, but included a great deal of quiet, orderly, comely, or even noble human existence, transacting itself in thousands of Scottish households once vocal and bustling in towns, or on hill-sides, but long ago swept into underground oblivion. One homely form of antiquarian inquiry is that which concerns the expenses of those households for the common commodities of life, and their relative earnings and wages.

By far the best and most complete information we have as to the values of commodities in Scotland in the early part of the seventeenth century is that furnished by the "Book of Rates" of 1612, a pretty full abstract of which was given in the Introduction to our last volume (pp. lxviii–lxxiii). That document is still valid for the time covered by this; and the present volume contributes only corroborative or modifying particulars. Some of these have been incidentally noticed already; but we may now gather the most interesting of them miscellaneously together:—The compulsory price of an ox for the commissariat of the Earl of Argyle's expedition against the Macdonalds in 1615 was £12, of a sheep 20s., of a stone of cheese 20s., of a stone of butter 40s. (p. 747). The regulation retail price of English beer in 1614 was 18d. the Scotch pint; but vintners were charging 2s. 8d. (pp. 207–8). The price of lead for roofing was 24s. per stone troy weight (p. 328). The price allowed by the Mint for foreign or old Scottish gold coin brought in as bullion varied, according to purity, from £42 to £37, 4s. 10d. per ounce, and for silver coin so brought in from 58s. to 41s. per ounce (pp. 79–81). In a case of treasure-trove, however, gold coin was valued at only £35, 12s. per ounce, while a chain of coarse gold, consisting of fifty-six links, and weighing $1\frac{3}{4}$ oz., was valued at

£36 the ounce (p. 343). For a highly-skilled artisan or professional engineer, consenting to leave home on what was thought the dangerous service of managing a petard for the siege of a castle, good wages, as we have seen, were considered to be 100 merks or £66, 13s. 4d. a month, making about £2, 5s. per day (pp. 726–7); while a herald going about the same time on army-service to Orkney was to have £60 per month or £2 a day, a surgeon £30 per month or £1 per day, a smith £24 per month or 16s. a day, each of two wrights and each of two artillery-men the same, and a trumpeter £20 per month or 13s. 4d. a day (pp. 707–8). The allowance for each of four soldiers left in charge of Kirkwall Castle was 8s. per day (p. 295). The charge of an Aberdeen master-plumber for workmanship on lead delivered to him in the rough was to be 12s. for every stone troy of the lead worked (p. 612). The allowance to the Earl of Orkney for his prison expenses was £4 a day (p. 90); that to his natural son Robert Stewart and his fellow-prisoner Patrick Halcro £1, 10s. a day each (p. 287); that to each of the imprisoned Orkney rebels of inferior rank 10s. a day (p. 281 and p. 283). Angus Oig Macdonald in his Edinburgh prison was allowed 13s. 4d. per day; one of his fellow-prisoners from Islay 10s.; another only 6s. 8d.; and three others but 5s. per day each (p. 330). This last seems to have been about the lowest sum that could sustain life in prison after the jailor's fees were paid; for, while a mother of good means, whose troublesome son is in the Tolbooth of Edinburgh, is ordered to pay 10s. per day for him in future, with modified arrears (p. 513), the Council's own minimum in ordinary cases of the sort appears to have been 5s per day (p. 287). This is not much under the pay allowed to the soldiers in charge of Kirkwall Castle; but it is to be remembered that these could employ their idle time in shoe-making, net-making, or whatever else. Compulsory labour in prison was unknown then; and, but for allowance by the authorities, or casual alms, a prisoner without means would have starved. The smallest coin that could then have been given as alms to a beggar seems to have been 2d. in copper; and the ostensible reason for the new copper coinage of 2d. pieces in 1614 was to

facilitate this minute benevolence.——In realizing these money-values, or generalizing from them, it is to be remembered always that the moneys were Scotch, and that, to obtain the contemporary English or sterling equivalent of any sum Scots, it must be divided by 12. Thus, if the Earl of Orkney, instead of being beheaded, had been permitted to go into England and reside there on a continued allowance of £4 per day, that would have been worth to him only 6s. 8d. per day in English money; and, if the petard-man, James Anstruther, after his return from Islay, had walked into England with his last month's wages of £66, 13s. 4d. Scots money in his pocket, the amount in English money would have been but about £5, 10s. On the other hand it has to be remembered that the purchasing power of any given sum of money was much greater in those days than that of the same sum now, and so that to specify any sum as given in those days in wages or salary is of no use unless it can be translated, approximately at least, into its present social equivalent. My own impression is that for the time with which we are now concerned any specified salary in English money would have purchased at least four times as much, whether in commodities or in respectability, as the same sum English would purchase now,—in other words, that, to obtain the present social equivalent of any sum English then, it must be multiplied by at least *four*. Combining the required division with the required multiplication, we should thus have, for the conversion of any sum Scots into its present equivalent in British money, the simple formula,—*divide by three*. This formula, however, will not work in all cases. Prices were not uniform over the island, and in Scotland generally living was cheaper than in England; and, besides this *place-variation*, there has to be taken into account the *time-variation*, or change of the price of some commodities caused by increased or diminished demand for them, and by changes in the cost of their production and carriage.

In one of the choruses in *Samson Agonistes* there is this striking distinction between those comparatively few human beings of any past time that can be the objects of specific historical retrospect

and the miscellaneous multitudes among whom they moved while living,—

> "Nor do I name of men the common rout,
> That, wandering loose about,
> Grow up and perish as the summer fly,
> Heads without name, no more remembered;
> But such as Thou hast solemnly elected,
> With gifts and graces eminently adorned,
> To some great work, Thy glory,
> And people's safety, which in part they effect."

Not even of the most obscure in that crowd of once-existing men and women who are seen crossing the stage of old Scottish life through the years embraced by this volume can it be said that they are "heads without name." Their *names*, at least, are resuscitated, the places of habitation of most of them, and something additional about each. But, when we seek for the "solemnly elected" among the Scotsmen of that generation, whom do we find? If to the epithet "solemnly elected" we add the further definition, implying the possession of eminent "gifts and graces" dedicated to some great and glorious work, it is to be feared that our search would be disappointing. That kind of language hardly suits the Scotland of those days, and would hardly have been intelligible then to her leading public men. But, if we lower the level, and understand by the "solemnly elected" simply those who had come somehow or other to be then the topmost men in Scotland, and require nothing more in these, in the shape of "gifts and graces" for the pursuit and partial accomplishment of "some great work," than simply that they were the accepted makers of Scottish History in that time, and exhibited more or less of ability in the operation, then there is no difficulty. In the preceding sections of this Introduction there has been pretty exact enumeration already of the most conspicuous Scots of the years 1613–16; the enumeration will be completed in the sections that remain; and, by the help of the Index, as has been said, there may easily be lists of the lesser notabilities, whether nobles or lairds, in the various shires. At this point, therefore, all that seems necessary is to present to the eye a list of those who were "solemnly elected" in the special sense that they were thought worthy by King James, during the

years in question, of being raised to the Scottish peerage or advanced a step in that peerage :—

1613 : *November* 30.—Sir Thomas Hamilton ("Tam o' the Cowgate") raised to the peerage as Lord Binning.—See pp. 174–5.

1615 : *Oct.* 4.—Sir Walter Ogilvie of Findlater raised to the peerage as Lord Ogilvie of Deskford, Banffshire.—See p. 399. The date is wrong by a year in *Crawfurd's Peerage.*

1616 : *April* 30.—John Maitland, 2nd Lord Thirlstane, created Viscount Lauderdale.—See pp. 513–4. Date wrong in the Peerage Books.

„ *Same day.*—Sir Robert Melville of Murdocairny raised to the peerage, in extreme old age, as Lord Melville.—See pp. 513–4.

„ *Same day.*—David Carnegie of Kinnaird, one of the Senators of the College of Justice, raised to the peerage as Lord Carnegie.—See pp. 513–4. This was the date of the recognition of him by his peerage-title by the Council; but in *Brunton and Haig* the date of his creation is given as 14th April.

„ *Sept.* 19.—Robert Ker, Lord Roxburgh since 1603, created Earl of Roxburgh.—This is from *Crawfurd.*

An incident or two besides in the peerage history of those years may be worth appending.—Hugh Montgomery, 5th Earl of Eglinton, having died in 1612 without issue, his cousin, Sir Alexander Seton, 3rd son of the late Earl of Winton, had, by an arrangement made by the said 5th Earl before his death, assumed the title as the 6th Earl. Instantly, however, his Majesty was down upon him. See at pp. 32–33, under date 12th April 1613, the order of Council calling him to account, by his Majesty's warrant, for "a thing of suche noveltie and bad example" as the assumption of a peerage-title in such circumstances without his Majesty's express assent. There is a subsequent entry in the matter at p. 51 ; but it is not till the 15th of March 1615 that it is happily ended. On that day, as will be seen at pp. 310–11, the Council were able to register his Majesty's gracious ordinance that, in consequence of a full submission and apology made at last by Sir Alexander Seton, and in recognition of the deserts of his ancestors and his own promising merits, the honour of the Earldom of Eglinton *should* be his, and should descend to his heirs. Meanwhile, a Border laird, Sir John Ker of Littledean, had given similar offence by assuming the title of "Lord Jedburgh" and signing himself by that title in documents. See

p. 113, p. 124, p. 171, p. 181, and p. 219. He had to be in ward some time for his imprudence, and there was no such consideration for him as for the other. Every man in Scotland was to know that his Majesty was the sole fountain of honour.

Peers are peers, and statesmen are statesmen; but, after one has sufficiently counted the eminent heads of both these designations, and performed the further duty of taking respectful note of those among them that were *super*-eminent either by ability or by social power,—in which supreme category would undoubtedly rank Chancellor Dunfermline, Tam o' the Cowgate, the Marquis of Huntly, the Earl of Argyle, and one or two others among the laymen, and Archbishop Spotswood and another bishop or two among the ecclesiastics,—one beats the undergrowth all the more longingly in quest of Scots of that inferior species, as it then seemed, who were to interest posterity as having been, principally or solely, servants of the Muses. Now, through the time of this volume, as for a while already heretofore, the most interesting persons of this species are still these three: Napier of Merchiston, Alexander of Menstrie, and Drummond of Hawthornden. It chances that our volume contains glimpses of each.—Napier of Merchiston appears first at pp. 41–42, under date 28th April 1613, complaining to the Council against a certain laird called Thomas Graham, who, having conceived a "deidlie haitrent and malice" against him, and knowing that he is "havelie diseasit with the pane of the gute," and unable to look after his lands and tenants himself, had been raising a turmoil among the tenants of his lands of Lamreik and Ruskie, bearding his baron-bailie of those lands, and assaulting the bailie's officers and servants. The complaint, it has to be added, was dismissed as not proven in any point, so that one has to fancy that the gout had made the Laird of Merchiston somewhat tetchy. He appears again, but more vaguely, as we have already seen (*ante*, p. xxi), at pp. 113–115, where he is included, on the 29th of July 1613, in the list of lairds who were expected to join in a voluntary contribution to His Majesty on account of the shares they had acquired in the late lands of the Macgregors. It is not from the Register of Council, but from independent record, that

we learn that it was in the following year, 1614, that Napier, then sixty-four years of age, published at last in Edinburgh, his gout notwithstanding, his famous Latin treatise on Logarithms. That was one important event, however, were there no other, in the Scottish History of the years with which we are concerned.—Of Sir William Alexander of Menstrie there are various mentions. See pp. 15–17, pp. 146–7, pp. 358–9 and footnote, and several sederunts of the Council after his admission to be a member of that body on the 11th of July 1615 (*ante*, p. ix). In none of these entries does he appear in his literary character; and, indeed, though he had not abandoned poetry, he had already given to the world his chief poetical productions, and was more intent upon acquiring a fortune by mining speculations and upon rising in the world as a courtier and politician. It was his part-proprietorship of the silver mines of Hilderston that had brought him from the English Court on a visit to Scotland which seems to have extended over part of 1614 and part of 1615. He may have been in Edinburgh at the time of the publication of Napier's book in 1614, and it was certainly in that year that Drummond of Hawthornden visited him at Menstrie, and the two formed their memorable friendship, and became "Alexis" and "Damon" to each other. His admission into the Scottish Privy Council in July 1615 seemed to point to a longer stay; but he returned to England soon afterwards, and the friendship between him and Drummond was to be kept up thenceforward only by occasional meetings and by correspondence.—Of Drummond himself there is one very curious mention. It occurs at p. 831 in the form of a licence by the Council, of date 2nd March 1615, to him, and to his brother-in-law, Mr John Scot of Scotstarvet, Director of Chancery, to be exempt through the whole of that Lent season from the ordinary rule of abstinence from meat-diet. In a footnote to that page I have ventured to suggest that Drummond and Scot were then about to take a holiday together at Scot's place of Scotstarvet in Fifeshire, and meant to be as convivial as possible.

To name Napier of Merchiston and Drummond of Hawthornden is to bring up the recollection of Andro Hart, the Edinburgh

bookseller. He also, in his way, was a servant of the Muses. Napier's treatise on Logarithms came from his shop in the High Street of Edinburgh; he had already published for Drummond, and had reprinted at least one of Alexander of Menstrie's pieces; and he seems to have been the man of best judgment and taste then in Scotland in the importation of English and foreign books. One rather regrets, therefore, to find at p. 252, under date 14th July 1614, an interference with his trading interests. He had recently obtained (see pp. 827–8) a privilege from his Majesty for the exclusive import, sale, and reprinting of certain specified books that were in considerable demand; this had moved the jealousy of some of his brethren in the trade; and, after hearing the case argued, the Council found themselves obliged to declare that the "libertie and previledge of prenting, homebringing, and "selling of all suche bookis and volumis quhilkis ar allowit "and nowise forbiddin be his Majesteis lawis, and seene and "approvin be the tua Archiebishoppis of St Androis and "Glasgu, sould and aught to be free to all his Majesteis "subjectis of this kingdome," and that therefore Hart's privilege must be stopped as null. It was doubtless the proper decision; but, if there *was* to be a monopoly, no one deserved it better than Andro Hart.

In previous volumes we have had to notice, as an instance of the obscuring effects of mere legendary glamour upon History, the case of Andrew Henderson, the mysterious man in armour who stood in the turret in Gowrie House during the murderous scuffle between the younger Ruthven and the King on the 5th of August 1600, and witnessed the whole affair without interfering. To this day he is remembered by readers of historical compilations simply as "the mysterious man in armour" of that occasion. Whether he rose into heaven, or sank down into the earth, when that occasion was over, is never inquired. Now, the fact is he did neither, but lived on about Perth ever so long afterwards, a very well-known, very well-to-do, and very commonplace person, with an excellent cellar of ale, and a reputation for crankiness and half-wittedness which was justified more particularly by his persevering rancour against Lord Scone on account of some injury he conceived him-

self to have sustained at his lordship's hands. For verifications and details see *ante*, Vol. VIII. pp. xliii–xlv, and Vol. IX. p. xcii, with references there. The last mention of him in Vol. IX. shows that early in 1612 he had actually gone to London to pester his Majesty himself in Whitehall palace with his grudge against Lord Scone, and that his Majesty, after confronting him with Lord Scone, had sent him back, with private instructions to the Council to see him kept under surveillance in future on his own property. But lo! in our present volume his craze is upon him again! On the 5th of July 1614 the King wrote the letter to the Council which will be found at p. 828, and which led, six months afterwards, to revived action by the Council in the matter of Andrew Henderson and his quarrel with Lord Scone. "Ane charge aganis the Lord Scone, Andro Hendersoun, and thair creditouris, to compeir on the 24th of this instant" is a Council minute of 10th January 1615 at p. 297, followed at p. 298 by this minute of the result on the 24th, "Submissioun and decreit-arbitrall betuix the Lord of Scone and Andro Hendersoun," and finally, at p. 299, under date 31st January, by this: "Ane charge aganis Andro Hendersoun and his wyffe that thay go not to Courte." He had been dissatisfied with the decreet-arbitral, and wanted again to interview his Majesty personally. His Majesty, one fancies, had seen enough of Andrew Henderson at their first meeting in Gowrie House, nearly fifteen years before.

CHURCH AND RELIGION.

The composition of the Scottish Episcopate through our period was as follows:—

PROVINCE OF ST ANDREWS.

ARCHBISHOP:—(1) GEORGE GLEDSTANES, Archbishop since 1604, continues in the post till his death, 2nd May 1615. (2) JOHN SPOTSWOOD, translated in May 1615 from the Archbishopric of Glasgow.

B. of Aberdeen.—(1) PETER BLACKBURN, Bishop since 1600, continues till his death in June 1616. (2) ALEXANDER FORBES, translated from Caithness.

B. of Brechin.—ANDREW LAMB, Bishop since 1607.

B. of Caithness.—(1) ALEXANDER FORBES, Bishop since 1604, translated to Aberdeen July 1616. (2) JOHN ABERNETHY, not appointed till December 1616.

B. of Dunblane.—(1) GEORGE GRAHAM, Bishop in 1603, continues till August 1615, when he was translated to Orkney. (2) ADAM BELLENDEN, till then minister of Falkirk.

B. of Dunkeld.—ALEXANDER LINDSAY, Bishop since 1607.

B. of Moray.—ALEXANDER DOUGLAS, Bishop since 1602.

B. of Orkney.—(1) JAMES LAW, Bishop since 1605; promoted to the Archbishopric of Glasgow July 1615. (2) GEORGE GRAHAM, translated from Dunblane.

B. of Ross.—(1) DAVID LINDSAY, Bishop since 1600, continues till his death 14 Aug. 1613. (2) His son, PATRICK LINDSAY, till then minister of St Vigeans.

PROVINCE OF GLASGOW.

ARCHBISHOP.—(1) JOHN SPOTSWOOD, Archbishop since 1603; translated to the St Andrews Archbishopric May 1615. (2) JAMES LAW, promoted, July 1615, from the Bishopric of Orkney.

B. of Argyle.—ANDREW BOYD, formerly minister of Eaglesham. He was appointed in March 1613, the previous Bishop (John Campbell) having died in January.

B. of Galloway.—WILLIAM COWPER, Bishop since July 1612, having been previously minister of Perth.

B. of the Isles.—ANDREW KNOX, Bishop since 1605. Since June 1611 he had held his Scottish Bishopric in conjunction with the Irish Bishopric of Raphoe.

The Scottish Episcopacy so represented was, it must be remembered, a real Episcopacy according to the strictest High Anglican notions, and not the mere Parliamentary or titular Episcopacy, or mongrel mixture of Episcopacy with Presbyterianism, which had served for Scotland for the ten years or so from 1600 onwards. That reproach, as strict Episcopal theorists deem it, had been removed in 1610 by the formal consecration of three of the Scottish prelates in London by the hands of English bishops, and the communication by these of the acquired virtue to their fellows on their return. There did indeed still remain some inheritances from the old Presbyterian system,—*e.g.* in continued simplicity of ritual, and in district meetings of the parish clergy, under the name of "brethren of the exercise" of the district, in substitution for the old presbyteries; and these must have seemed imperfections and crudities in the eyes of King James and of

Anglican critics. This only meant, however, that all could not be accomplished at once.

Practically, Presbyterianism was dead in Scotland, or dared make no sign. Andrew Melville was away in his professorship in France, never to return; James Melville, an exile on English soil since 1606, died at Berwick-on-Tweed on the 20th of January 1614 (p. 203 n.); the six banished ministers of 1606, or the survivors of them, were still on the Continent, one hardly knows where; and the other ministers, about a score in all, who had been in trouble for their concern in the illegal Aberdeen Assembly of 1605, or for other acts of Presbyterian boldness in past years, were in dispersed seclusion over Scotland. The once famous Mr Robert Bruce, after some years of compelled residence in Inverness or other northern parts, was glad, one finds, to have licence in 1613 to come south and live quietly in his own house at Kinnaird; and Mr Walter Balcanquhall, minister of Edinburgh, and hardly less zealous a Presbyterian than Mr Bruce in those former days when Mr Bruce was his colleague, had become silent of late on forbidden topics, and was to die on the 29th of July 1616 (p. 582 n.). The leaders thus all gone or subdued, it was easy for the Government and the Bishops to maintain the established Episcopal order among all the rest of the clergy. Accordingly, there is hardly a mention throughout our volume of any disturbance of that order by Presbyterian protest. At p. 5 there is mention of Mr Robert Youngson, one of the principal offenders in the old affair of the Aberdeen Assembly, but it is only to the effect that he had made due submission to Archbishop Gledstanes, and might now be relaxed from his sequestration. Similarly at p. 258 there is release from sequestration, and restoration of free rights of locomotion over Scotland, to Messrs William Row, John Carmichael, William Scott, William Watson, and John Scrimgeour, five Fifeshire ministers who had been under displeasure, — three of them for cooperation with Andrew Melville and James Melville in their London mission of 1606–7 on the affairs of the Scottish Church, and the other two on subsequent grounds. The reason was that they could now do no harm. One of them, it is true,—Mr William Watson, minister

of Burntisland,—is found afterwards in some trouble, and under orders, by his Majesty's direction, to remove himself from Burntisland (see p. 327, p. 329, p. 420, p. 429, p. 448, and p. 840); but this does not seem to have been owing to any Presbyterian demonstration of his, but only to his excess of energy in the municipal affairs of the burgh.

Evidently that portion of the new ecclesiastical apparatus which consisted in the rule of the Bishops individually in their several dioceses, and their supervision of what relics of the old Presbyteries there were in the shape of meetings of the parish ministers of districts under the innocent name of "brethren of the exercise," was working satisfactorily to the King and the Council. Nor was there less satisfaction with the working of that more collective form of the Episcopal apparatus which consisted in the meetings of the Courts of High Commission, one for the Province of St Andrews and the other for the Province of Glasgow, which had been established in 1610, each under the presidency of the Archbishop of the Province (see *ante*, Vol. VIII. pp. 417–420). Although each Court consisted nominally of a large number of persons, including nobles and lairds as well as ecclesiastics, the Archbishop with four others present constituted a quorum; and the real meetings of the Courts consisted generally of such a quorum or little more, the Archbishop always the central personage, and a few of the Bishops usually in his company. These little conclaves, sitting periodically or occasionally,—the Court of High Commission for St Andrews always at Edinburgh since 1612, when it had been removed from St Andrews by the Act of Council printed *ante* Vol. IX. p. 273,—had immense powers. They had cognisance of all offences against morality or against ecclesiastical rule and discipline, could investigate such offences either on direct inquisition moved by themselves or on appeal from the bishops of the dioceses, and could punish by fines and imprisonment, as well as by excommunication and other ecclesiastical censures. Any defects, therefore, that there might have been in the diocesan powers of the Bishops were amply made up for by the action of these Courts of High Commission. Through the first three years of the four

included in this volume there still continued to be the two distinct Courts for the two provinces, as originally appointed; but in December 1615, as will be seen from the footnote at pp. 435–437, there was a royal decree consolidating them into one, naming the 41 persons (19 of them laymen and the rest bishops or other ecclesiastics) who were to constitute thenceforth this single Court of High Commission, and again fixing *five* as the necessary quorum, this time *either* Archbishop to be necessarily one of the quorum and president. There can be little doubt that this union of the two Courts was meant to increase the efficiency of the institution in the interests of the established Episcopal system. There can be little doubt, either, that the change symbolised the accession of Spotswood to the ecclesiastical supremacy over all Scotland. Law, as Archbishop of Glasgow, might preside in Spotswood's absence; but Spotswood was not likely to be absent when it was important that he should be present.

Just because ecclesiastical matters were managed so effectively by the Bishops in their dioceses and by the collective agency of the Courts of High Commission, it was in the diocesan records and the records of the High Commission Courts that the ordinary incidents of Scottish ecclesiastical history through the time now under notice were registered, and not in the books of the Privy Council. Interventions of the Council were needed but occasionally. Instances are to be found, however. At pp. 215–217 there is an Act regulating that, to ensure observance of the rule requiring all the lieges to attend communion at least once a year, the communion shall be celebrated in future in all the parishes of Scotland once a year on one and the same day,—Easter Day of 1614, as appears from the footnote, being the day contemplated for the first celebration under the Act. The Act is found repeated, a year after, at pp. 316–317, definitely fixing Easter Day as the annual day for all time coming. At pp. 839–840 the High Commission of St Andrews itself is found invoking the Council's aid in a case of discipline; at p. 328 there is order for the apprehension of Mr John Innes, a refractory and already excommunicated Caithness-shire minister; and at pp. 336–7, and in

several other places, the Council is found apparently usurping ecclesiastical functions by ordering open penance in churches as part punishment for immoralities or other offences. Such cases are to be distinguished from those in which there is ordinary punishment of unruly persons by warding or fine for assaults on ministers, or (as happens once or twice) of ministers themselves for similar violences. At pp. 411–412 there is record of the solemn oath of allegiance and homage taken by Archbishops Spotswood and Law together in Holyrood Chapel on the 26th of November 1615. It committed them to the doctrine of the absolute supremacy of the King in matters ecclesiastical as well as in matters civil. As a semi-ecclesiastical incident may be mentioned also the admission by the University of St Andrews, on the 29th of July 1616, of eight ministers to the degree of D.D. See their names in a footnote at p. 588. Calderwood and others were perturbed by this novelty, as one more evidence of the hopeless lapse of Scotland into Prelacy.

In one great form of activity the civil authorities and the ecclesiastical could and did cooperate extensively. This was continued vigilance against Roman Catholicism in Scotland. Although this had been a standing portion of the avowed policy of the Scottish Government all through the reign of King James, it had been liable to variations of actual practice since he had begun himself to direct and manage the government, sometimes sinking into comparative listlessness, and again roused into spasmodic energy, according to the King's mood and the exigencies of his relations with foreign powers. Now, it so chances that the years included in our present volume are marked by a startling increase of severity in the exercise of the penal laws against Roman Catholics. It is as if, nothing farther remaining to be done in the way of coercion of Presbyterian nonconformists, the King and the Bishops had all the more spare time for dealing with nonconformists of the other type.

Appearances are mild enough at first. The Marquis of Huntly and the Earl of Errol were the two chief Roman Catholics of the realm, and had both been under excommunication for some years past for their religious obstinacy. Their actual imprisonment in

consequence for several of those years had, however, been commuted latterly into a kind of sequestration or confinement within prescribed boundaries on their own estates,—the Marquis on his Strathbogie estates, and the Earl on his Errol property,—with obligation to receive instruction from ministers in their neighbourhoods, so that they might be brought to a right mind. There was little prospect of that result in the case of either, though the Marquis was the wilier of the two and threw out hopes; and yet, almost simultaneously, in May 1613, the Register records indulgences for both. At pp. 34–36 there is a licence to the Earl of Errol to visit Aberdeen and his Aberdeenshire estates for two months on business; and at pp. 45–47 there is a still larger indulgence, by his Majesty's express command, to the Marquis, releasing him from even the modified restriction of his movements to the Strathbogie district, and permitting him to go to England when he chose and present himself at Court. Still in the same month, there is similar indulgence to Gordon of Newton, a veteran kinsman of the Marquis, and a more hopeless excommunicate, releasing him, on account of his old age and certified infirmity, from obligation to ward himself in Edinburgh Castle or go into banishment, and allowing him a limited freedom of residence in Aberdeen (connect p. 811 with pp. 63–5),—an indulgence somewhat extended afterwards (p. 107). But another case which was before the Council on the very same day as that of the Laird of Newton marks a turning-point in their procedure with Roman Catholics. A certain James Stewart, an inhabitant of Edinburgh, and known as "James of Jerusalem," had, by the diligence of Archbishop Gledstanes and the Magistrates of Edinburgh, been brought before the High Commission Court, on charges of attendance on mass, reset of Jesuits, &c., for a number of years past, but had escaped; and the order of Council on 27th May 1613 was for hue and cry after him as a rebel. His Majesty having heard of the case, the Council received from him the letter, dated from Greenwich 25th June, which may be read at pp. 813–814. It enjoined the strictest investigation of this case, search for other like cases, and such severe dealing with them as should strike

terror into all "infected with that leprosie." Hence for three years a kind of frenzied run upon prosecutions of this kind, as fast as offenders could be laid hold of. The following is the series of them, and of incidents in the same chapter of Scottish Church History, in the order in which they make their appearance in the Council Books, with some supplementary particulars from *Pitcairn*:—

July 29, 1613.—JAMES OF JERUSALEM before the Council and committed to custody in the Tolbooth of Edinburgh (p. 118).

August 3, 1613.—Warrant to the Lord Advocate for the prosecution of MR ROBERT PHILLIP, a Roman Catholic priest who had recently returned to Scotland, and had been going about celebrating mass and seducing the lieges in and about Dumfries (p. 126).

Same day.—Similar warrant for the prosecution of JAMES OF JERUSALEM, and JOHN LOGAN, portioner of Restalrig,—the latter on the charge of having been in the company of James of Jerusalem and having attended a mass in his house in Nether Bow Port (p. 126).

September 14, 1613.—Trials of MR ROBERT PHILLIP and JAMES OF JERUSALEM before the High Court of Justiciary. Both found guilty, but sentence deferred (*Pitcairn*, III. 252–254).

September 16, 1613.—Trial of JOHN LOGAN, portioner of Restalrig. Found guilty of "heiring of ane Mess." Sentence deferred (*Pitcairn*, III. 254–257).

November 16, 1613.—"Ane warrant to the Justice anent JAMES OF HIERUSALEME, JOHN LOGAN, and MR ROBERT PHILLOP" (p. 169). This is explained in *Pitcairn*, where the warrant is given. It is dated this day, and signed by the Chancellor, the Earl of Argyle, and Archbishop Gledstanes, and it instructed the Justice to pronounce sentence of banishment for life on JAMES OF JERUSALEM and MR ROBERT PHILLIP, and to fine LOGAN £1000. These, accordingly, were the sentences.

Same day.—Denunciation of the EARL OF ERROL, the EARL OF SUTHERLAND, and the COUNTESS-DOWAGER OF SUTHERLAND, for "persisting obstinatlie in thair erronious opinioun of Papistrie," with order to the two Earls to confine themselves in the city of St Andrews, and to the Countess to confine herself in the burgh of Inverness (p. 169).

January 25, 1614.—Order to the Provost and Bailies of the Canongate for the apprehension of JAMES OF JERUSALEM, who has outstayed the month allowed him for going into banishment, and is supposed to be lurking in the Canongate (p. 205).

February 8, 1614.—Extension of time, by his Majesty's warrant, to the Earl of Sutherland for his going into ward in St Andrews, in consideration of private business he has on hand, and the extreme severity of the weather in the northern counties (p. 207).

May 17, 1614.—Council order to the Provost of Edinburgh to see that ALISON SIMSON, a Roman Catholic nun, who has been for some time in

the Tolbooth of Edinburgh, is sent off by the first convenient ship to Flanders, remaining meanwhile in prison, inasmuch as she has been unable to obtain any one to be surety for her, and can give only her own caution. She is never to return to Scotland, under pain of death (p. 237).

June 21, 1614.—Act forbidding ship-captains to bring into Scotland any passengers from Campvere unless they have certificates from the minister of the Scots kirk in that town that they are sound in the Protestant faith (p. 244).

July 12, 1614.—Commission for the apprehension of sundry Jesuits, seminary priests, and excommunicated Papists who are busy in the diocese of Caithness (p. 251).

September 14, 1614.—Extension of time to the Earl of Errol for his going into ward in St Andrews (p. 272.)

October 22, 1614.—Confirmation of a licence given to the Earl of Errol by Archbishop Gledstanes and others of the Court of High Commission, allowing him to leave his ward in St Andrews and reside at Slains or Turriff on his own estates, in due conference with preachers there (pp. 278–9).

November 10, 1614.—Approbation of the conduct of Archbishop Gledstanes and the Magistrates of St Andrews in having apprehended Mr James Moffat, a Jesuit and mass-priest, and exhibited him, "with his messe cloathis," before the Privy Council. He is now in the Tolbooth of Edinburgh (p. 284).

November 11, 1614.—Notice of the recent apprehension in Glasgow by Archbishop Spotswood of a Jesuit and mass-priest named John Ogilvie, who has been openly going about among the people of Glasgow, administering the sacrament "after the Popishe maner," and has a considerable following among them; with commission to Archbishop Spotswood, Sir Gideon Murray, Sir Alexander Hay, and Sir William Livingston, to examine into the affair (pp. 284–6, with footnote).

November 22, 1614.—Warrant to the Lord Advocate for the prosecution of Mr James Moffat (pp. 288–9).

January 31, 1615.—"Ane missive frome his Majestie anent the tortouring of Jesuitis" (p. 299).

February 21, 1615.—"Ane commission aganis Johnne Ogilvie, preist" (p. 303). Ogilvie, who had first been examined in Glasgow by Archbishop Spotswood and others, and then brought to Edinburgh for further examination,—aided by torture in the form of protracted deprivation of sleep,—was now sent back to Glasgow; and this was a commission to the Magistrates of Glasgow, with Archbishop Spotswood, the Marquis of Hamilton, and others, as assessors, for his trial.

February 28, 1615.—Trial of John Ogilvie at Glasgow by the above commission. In his indictment (where he was called John Ogilvie *alias* Watson) the crime charged against him was that of treason in such several forms as "declining the King's authority, alleging the supremacy of the Pope, hearing and saying Mass." Having been found guilty, he was sentenced to be hanged; and the sentence was carried into effect that

day in the main street of Glasgow. For a detailed account of all the proceedings in his case after his arrest, and of his trial and execution, see the long footnote at pp. 304–307.

March 23, 1615.—JAMES OF JERUSALEM binds himself to go into banishment before the last day of May next (p. 318).

April 26, 1615.—Extension of time to JAMES OF JERUSALEM till the last day of June (p. 327).

June 13, 1615.—Commission to Archbishop Spotswood, Lord Binning, and four others of the Council, for the examination, by torture if necessary, of MR JAMES MOFFAT and his resetters, and also the resetters and entertainers of the late JOHN OGILVIE (pp. 336–7).

Same day.—Act calling home all Scottish youths then receiving education in colleges of Jesuits or other Popish seminaries abroad, and forbidding the sending abroad of Scottish youths for education in such colleges in future, under penalty of forfeiture of all their rights of property (pp. 337–339).

Same day.—Act forbidding the sending abroad by ministers or others of the lieges of any manuscripts to be printed at foreign presses, especially that of Middleburgh, unless with due licence from the two Archbishops and the Secretary of State (pp. 339–340).

July 14, 1615.—Trial in Edinburgh before the High Court of Justiciary of WILLIAM SINCLAIR, advocate, ROBERT WILKIE, "browdinster" (embroiderer) in the Canongate, and ROBERT CRUIKSHANK, stabler in Edinburgh, for treasonable resetting of Moffat, Ogilvie, and other Jesuits, in August, September, and October last. They were found guilty, and sentenced to death; but the execution of the sentence was deferred (*Pitcairn*, III. 371–5).

July 20, 1615.—Band by JAMES OF JERUSALEM that he will positively go into exile within twenty days (p. 364).

Same day.—Warrant to James Primrose, Clerk of the Council, for the delivery at once to JAMES OF JERUSALEM of 200 merks out of a sum of 500 merks consigned in the clerk's hands by Lord Ochiltree, and for the delivery to him of the other 300 merks when he is on board ship (p. 369). —It is clear that the James Stewart who was called "James of Jerusalem" was one of the Ochiltree Stewarts, or connected with them.

August 15, 1615.—This day, in virtue of a letter from the King, dated 26th July, ordering the sentence of death against WILLIAM SINCLAIR, ROBERT WILKIE, and ROBERT CRUIKSHANK to be carried into effect, these three were taken, with their hands bound, to a gibbet which had been erected at the Cross of Edinburgh. But, "while a great multitude of people was gazing to see the executione, there was a warrant presented to the Magistrates of Edinburgh to stay the execution; soe they were carried back again to their wairds." This is from Calderwood; who adds "The people thought this forme of dealing rather mockery than punishment." The warrant spoken of was an afterthought of the King, dated 27th July, instructing the Council to commute the sentence of death into banishment

from the King's dominions for SINCLAIR and WILKIE and banishment from Edinburgh for CRUIKSHANK. This letter had arrived in the very nick of time, or it had been kept back to allow of the public exhibition of the culprits on the scaffold (*Pitcairn*, III. 371–6).

September 5, 1615.—Commencement of the trial before the High Court of Justiciary of SIR JAMES CLELAND (OR KNEILLAND) OF MONKLAND, WILLIAM MAXWELL OF COWGLEN, and ROBERT URIE, writer in Paisley, for the treasonable reset of the late Jesuit Ogilvie, and hearing him say mass in July, August, and September 1614. The trial was adjourned till the 6th of December, SIR JAMES CLELAND finding surety in 10,000 merks for his appearance that day, MAXWELL surety in 5000 merks, and URIE surety in 500 merks (*Pitcairn*, III. p. 376–7). The prosecution was ultimately abandoned.

September 13, 1615.—Trial before the same Court of MR JAMES MOFFAT, Jesuit (now styled "alias HALYBURTOUN"), for treasonable hearing of mass in Scotland about twenty years before, and for recent resort back to this country, "directit from Rome," for the seducing of his Majesty's subjects. The prisoner, having submitted himself to his Majesty's will for his offences, and found caution in 3000 merks, was sentenced only to perpetual banishment, the 20th of October being fixed for his departure from the country (*Pitcairn*, III. 377–9).

February 15, 1616.—MR CLEMENT KING, doctor of medicine, produces before the Council his Majesty's remission, dated 2nd January preceding, for the offence of having intercommuned with the Jesuits Ogilvie and Moffat, and denies having heard mass from them. Sentence of horning against him on these charges is therefore removed (pp. 459–460).

In this series of incidents the most memorable is, of course, the hanging of the Jesuit Ogilvie. It is generally spoken of, whether correctly or not, as the sole instance in Scottish History after the Reformation of the actual infliction of the punishment of death on a Roman Catholic priest on account of his religion; and Presbyterian historians have not failed to remark that this and the other severities associated with it were events of the time of re-established Episcopal rule in Scotland, and reflect chiefly on the memories of Archbishops Gledstanes and Spotswood. On the other hand, Calderwood, who abominated the prelates in most things, seems to have had no objection to them on this ground, except that they did not go far enough.

To hear of a General Assembly of the Kirk as held in this time of fully re-established Episcopacy in Scotland may be somewhat of a surprise. But in the interests of the re-established Episcopacy itself such a convocation was thought necessary.

It was still the only agency through which those improvements could be smoothly made which the King desired to see effected, and those lingering Presbyterian remnants removed which seemed to him crudities and imperfections in the Episcopacy of his Northern Kingdom in comparison with the Southern or Anglican ideal. Accordingly, on the 18th of July 1616, there was issued the proclamation which will be found at pp. 580–1, summoning a General Assembly to meet at Aberdeen on the 13th of August following. The Proclamation purported that his Majesty had been moved to this act by petition from "the prelatis and reverend fatheris of the Kirk," representing that such a National Assembly would be the most efficient means for counteracting "ane grit decay in religioun and a grouth and increase of Poperie within this kingdome." Previous experience had suggested that Aberdeen would be the best place for the Assembly, as being the capital of the region where Presbyterian sympathies were weakest.

The General Assembly met duly at Aberdeen on the appointed 13th of August, with the Earl of Montrose as Lord High Commissioner, Lord Binning and Lord Carnegie as his assessors, and Archbishop Spotswood as Moderator; and it sat till the 18th. There is, of course, no record of its proceedings in the Minutes of Council; but a pretty complete summary of them is given in a footnote at pp. 598–601; and some attention to that summary is necessary for the understanding of the Council's Minutes through the remainder of the present volume.

A New Confession of Faith; New Catechisms for the Young; A New Liturgy; A New Book of Ecclesiastical Canons; New Rules for Baptism, Confirmation, and the Administration of the Sacrament of Communion: such were the constitutional changes resolved upon by the Assembly, and the details of which were to be considered by special committees after his Majesty had given the necessary sanction. His Majesty had no difficulty in giving the necessary sanction; but, as is explained in the footnote, he expressed to Archbishop Spotswood and the Bishop of Ross, when they went to Court to report what had been done, his disappointment that the Assembly had not been more thorough.

They had made but a "hotch-potch" on some points, he said; and he indicated these further constitutional changes as desirable,—*Kneeling at the Communion, Occasional Private Administration of the Sacraments,* and *Observation of Saints' Days.* Spotswood was able, however, to convince his Majesty that time was hardly ripe for these ceremonial innovations.

In that portion of the Assembly's proceedings which consisted in the provision of means for checking Roman Catholicism, there had been one cause of temporary annoyance and soreness to Spotswood and his brother-prelates.——Notwithstanding the recent relaxations by the King and Council in favour of the Marquis of Huntly, including that greatest relaxation of all which gave him licence to move about freely, and even to visit his Majesty in England when he should see fit (*ante*, p. xcviii), the behaviour of the Marquis had been so persistently offensive that the Court of High Commission had taken him again within their clutches. They had used their powers of imprisonment and had committed him again to custody in Edinburgh Castle. Thence, however, he had been released after a few days, by direct warrant from Chancellor Dunfermline. Immediately there was remonstrance with the Chancellor by Spotswood and the other Bishops, but with no other result than a "disdainful" answer by the Chancellor, to the effect that he knew what he was about, had perfect right to do what he had done, and did not care what the clergy thought, or might say. By this time, in fact, there had begun that split of the Council into a liberal or lay party, headed by Chancellor Dunfermline, and a clerical party, headed by Spotswood, which was to affect all Scottish politics through the rest of James's reign, and the first thirteen years of the reign of his successor. The present difference between Dunfermline and Spotswood was but a revelation of that deeper and more general antagonism. Meanwhile the wily Marquis did the cleverest thing possible for him in the circumstances. Availing himself of his unrepealed licence, he posted off to London; and, though the prelates dispatched Bishop Forbes of Caithness to Court, and made other efforts to have the Marquis stopped on the way, he not only succeeded in obtaining access to his Majesty, but was

able to concoct with his Majesty a mode of release from his excommunication much easier than he could have had in Scotland. Surely the Archbishop of Canterbury could release any man from excommunication, wherever he was born! Such was the notion of the King and of the Marquis; and actually, on an early day in July 1616, Dr George Abbot, the semi-Puritanical but easy-going Archbishop of Canterbury, absolved the Marquis from his sentence of excommunication, and admitted him to the communion in Lambeth Chapel, the Bishop of Caithness present and looking on. The consternation of Spotswood and the other Scottish bishops when the news reached them was excessive. What right had the Archbishop of Canterbury to absolve a Scottish excommunicate? Was the Church of Scotland an independent Church or not? This was the burning question in Scotland, especially among the clergy, through the month immediately preceding the meeting of the Aberdeen Assembly. For additional particulars, with the King's and the Archbishop of Canterbury's careful letters to Spotswood, intended to smooth ruffled spirits, and to facilitate procedure over the affair in the General Assembly, see footnote at pp. 561–564.——Procedure over the affair in the Assembly *had* been facilitated. As little as possible was said of the Archbishop of Canterbury's interference; and, the Marquis of Huntly having himself appeared in the Assembly with a supplication for the removal of his excommunication by that body itself, his absolution was formally pronounced, on the last day of the sittings, by Archbishop Spotswood in person, after proper submission, and under the customary obligations for the future conduct of himself and his family.

So much for the particular case of the Marquis of Huntly. That case was determined in the Assembly itself; and the inquiry may now be what special consequences of the Assembly's deliberations on the subject of "the repressing of Papistrie" are traceable in the procedure of the Privy Council through the rest of the year 1616:—One consequence was the reinvigoration of proceedings which the Council had recently begun (p. 584 and p. 587) against the Earl of Caithness and his family. This Earl, lately so much in favour for his successful conduct of the

expedition for the reduction of the Orkneys, had since then, as has been already mentioned, fallen into disfavour on a variety of grounds (see Royal Letter at p. 844); and one public objection to him, which it was found convenient now to press, was that of the unsoundness of his faith. Accordingly, he and his Countess, and one of their sons, having been summoned to appear before the Council as persons "this lang time bigane suspect in relligion," we read at pp. 608–9 and p. 611 two Acts, both of date 28th August 1616, against the Caithness family. One is an Act denouncing the Earl, the Countess, and Mr George Sinclair, for non-appearance as charged; the other is an Act depriving the Earl of the sheriffship of Caithness, and ordering him, the Countess, their eldest son Lord Berridale, and Mr George Sinclair, to be put into confinement in Fife, "till thay and everie one of thame gif full satisfactioun to the Churche." Of more general application are two Acts of October 30 which will be found at pp. 647–8 and pp. 650–61. One removes a difficulty in the procedure of the Court of High Commission, arising from the natural reluctance of persons brought before that Court for non-conformity or reset of Jesuits to give evidence on oath which might be used against them afterwards in criminal courts; the other is a renewed order for the suppression in Morayshire of such superstitious or Roman Catholic practices as "pilgrimageis to chappellis, wellis, croces, and suche uther monumentis of idolatrie." More important still is a cluster of Acts, all of date 10th December 1616, printed at pp. 670–673. One is an Act for strenuous enforcement of the penal laws against Jesuits, mass-priests, and Roman Catholic recusants generally, with provision that any Jesuits, mass-priests, or other trafficking Papists who may return from banishment without leave shall be "execute to the daith without favour." Another is an order to the Archbishops and Bishops to be diligent, by themselves or by their appointed agents in all the dioceses, in the visitation of all incoming or outgoing ships for the arrest of Jesuits, mass-priests, &c., with corresponding order to the masters of such ships. A third regulated that no one thenceforth should practise the profession of medicine anywhere in Scotland without a certificate

from the bishop of his diocese of his conformity to the true religion. This last Act, as is pointed out in a footnote, was but the adoption by the Council of a resolution which had been come to by the General Assembly in consequence of the discovery that Jesuits and other Roman Catholic propagandists were in the habit of disguising their real business in Scotland by practising as physicians.

One piece of legislation for which the Council and the General Assembly had a joint-responsibility requires notice by itself:— More than two months before the meeting of the Assembly there had come down from England, by his Majesty's direction, copies of a little catechism entitled "*God and the King*" (so in the English copies, but there was a Latin edition with the equivalent title "*Deus et Rex*") the use of which in schools and colleges had already been made universally obligatory in England and Ireland by royal edict, and which his Majesty desired to be made of obligatory use also in all the schools and colleges of Scotland. To this end he had already granted a patent for the exclusive right of printing and selling the little book in Scotland to Mr James Primrose. The obsequious Council at once appointed a committee, consisting of Archbishops Spotswood and Law and the Bishops of Galloway and Caithness, to examine the little book and report. See the Act, dated 22nd May 1616, at pp. 521–2. The report, given in on the 6th of June, and registered at pp. 530–1, was of thundering purport. The committee had "found that the said booke was worthie to be teachit in all the universities and schooles of this kingdome"; and they recommended (1) that the principal heads of it should be drawn up in a form to be "proponed in publick doctrine be everie minister," (2) that every student in the universities and every pupil in the schools should be obliged to have a copy, the professors in the universities and the masters of schools to be responsible for seeing to this, and no university-student to be admitted to his degree until he had given his oath of allegiance according to the doctrine of the book, (3) that every family in the kingdom any member of which could read should possess a copy, (4) that every parish minister should ascertain what families in his parish had

neglected to purchase a copy, and should report their names to the bishop of his diocese, that they might be called to account by the Council. Actually, on the 13th of June, these recommendations were embodied, with minute additions, in the long Act of Council which will be found at pp. 534–538, and which contains his Majesty's original missive on the subject, intimating that the publication was of his own devising, and that he had granted the monopoly of the reprinting and sale of it in Scotland for twenty-one years to Mr James Primrose.—All this was sometime before the meeting of the Aberdeen General Assembly. Necessarily, however, the subject came up before that venerable body, if only because the preparation of suitable catechisms of religious truth for the young was one of their own projects. Accordingly, as is mentioned in the summary of the Assembly's proceedings given at pp. 598–601, the Assembly did stamp the imported English article with their approval in the mean time, and enjoined that "all children of schooles sall have and learn by hart the catechisme "intitled *God and the King* which alreadie by Act of Counsell "is ordained to be redd and taught in all schools."—What *was* this portentous little treatise the doctrine of which King James wanted to have insinuated into the vitals of every man, woman, and child in each of his kingdoms, and the sale of which in Scotland, if even at only 6d. per copy, ought to have been a fortune to Mr James Primrose? Scotland, as well as England, if we are to suppose that the enactments were really enforced, must have been flooded with copies at the time; but original copies are now exceedingly rare. Of a Latin copy and an English copy seen by me in the British Museum Library I have given a brief account in the footnote at p. 522. Enough here to say that the little book consists of an imaginary dialogue between a "Theodidactus" and a "Philalethes," inculcating the most abject doctrine of the King's absolute prerogative in all matters spiritual and ecclesiastical, as well as in all matters temporal, and that, though the performance was anonymous, it seems to have been by Dr Richard Mokett, an Oxford divine, who died in 1618 under a cloud of disrespect from his brother-clergymen of the Church of England precisely because in other writings

he had ventilated the same doctrine in the extreme form of an assertion of the King's right to override even ecclesiastical canons. Apart from the doctrine of the publication, it is a wretched little affair, of no ability whatever. Why the King should have taken such a fancy to it, and should have selected it as the fittest popular manual for the instruction of all the three nations in his own royal doctrine of absolute kingship, one can hardly imagine. Was it partly of his own penning? A condensation of his own *True Lawe of Free Monarchies*, as published in 1598, would have served the purpose better; or, if he could have persuaded his English Attorney-General, Sir Francis Bacon, to write the required exposition for him, *that* might have been worth reading.*

Among the Privy Council enactments framed for carrying into effect resolutions or suggestions of the late General Assembly were the two Education Acts printed at pp. 671–2. The first, which may be called a Parish-Schools Act, enjoins on the Bishops the duty of seeing their dioceses completely equipped with parish schools "whair the youthe may be taught at the least to write "and reid, and be catechised and instructed in the groundis of "religioun," but contains a special reference to the Highlands in the form of an injunction that the teaching in all Highland parish schools shall be in the English tongue only, in order "that the "Irishe language, whilk is one of the cheif and principall causis

* Since writing the footnote at page 522, I have seen other copies of *God and the King*, both in the Latin form and the English, than those there mentioned. The Edinburgh University Library contains a copy of the original London edition of the Latin form, dated 1615, bound up with a copy of the original London edition of the English form, in which the date on the title-page is changed from 1615 to 1616. As both seem to be relics from the first circulation in Scotland, one may infer that Primrose did not go to the trouble of making an express reprint of the thing in Edinburgh, as he was entitled by his patent to do, for the use of the Scottish lieges, but merely imported bales of the authorised London impressions, with the dating on the title-pages (in the English edition at least, if not also in the Latin) modified to suit. In corroboration of this, I may mention that, besides the republication of *God and the King* in its English form referred to in the footnote at page 522 as having been put forth by the government of Charles II. in 1663, there was a more elaborate Edinburgh edition of the same in 1725, "printed by Charles Dallas," with a long and virulent anti-Presbyterian preface and other accompaniments, and that on a copy of this volume, also in the Edinburgh University Library, I have found the following bibliographical MS. jottings in the hand of some previous possessor: "The 1st Edit. was published in "Lond. 1615; the 2nd in Lond. 1616, *for the use of the kingdom of Scotland* (Lat. and "English); the 3rd. Lond. 1663, 4to (English): this edition [of 1725] is the 4th, tho' the "first published in Scotland." If the words I have put in italics are correct, Primrose did not need to reprint the thing, but ordered the copies he wanted from London.

"of the continewance of barbaritie and incivilitie amongis the "inhabitantis of the Ilis and Heylandis, may be abolisheit and "removit." The other, which may be called a Household Education Act, requires all parents, under penalties, to see more particularly to the religious instruction and catechising of their children, and to their being brought at due age before the bishops in their periodical visitations of the parishes for examination and confirmation.

Finally has to be noticed the Council Act of 10th December 1616, given at pp. 669–670, for the establishment throughout the kingdom, or more perfect establishment, of Parish Registers of births, deaths, and marriages. This Act, as is explained in a footnote at the place, was also a direct outgrowth from a resolution of the late General Assembly; and, in fact, its details consist of regulations to be binding for the future on the clergy.

PREPARATIONS FOR THE KING'S APPROACHING VISIT.

When King James left Scotland in April 1603 to assume his new crown of England, it was with vehement assurances to his lamenting Scottish subjects that he would revisit them once every three years at least, and perhaps oftener. Circumstances had prevented the fulfilment of that promise; but, at last, after thirteen years of absence, the "salmon-like" instinct, as he called it, which induces all creatures to return at some time or other to the scenes of their origin, acted in him so strongly that he resolved not to delay much longer. See at pp. 458–9 the proclamation, dated from Newmarket, 19th February 1616, announcing his intention of revisiting Scotland in the following year, and commanding the strict preservation of all kinds of game meanwhile in the Border districts, the Highlands, and the vicinity of the royal palaces and the chief towns, that he and his retinue might have plenty of hunting and shooting recreation when they should arrive. From the time of this announcement what a stir of anticipation throughout Scotland, and what bustle everywhere of preparations for the great advent! It is only with

the preparations by the Privy Council itself that we are here concerned.

There were reiterated orders, *e.g.* at pp. 504–5, p. 570, p. 597, for the preservation of game in parts of Scotland likely to be honoured by his Majesty's presence. More extensive and more difficult were the preparations in the shape of repair of the roads along the route which his Majesty was likely to take on entering Scotland, or in his progresses within Scotland. For specimens of the orders on this subject see pp. 529–530, where there are detailed topographical regulations for the enlargement and repair of the roads between Falkland and Perth and between Perth and Dundee, p. 542, where the Marquis of Hamilton reports on the state of the roads between Glasgow and Hamilton and Hamilton and Lesmahagow, pp. 543–4, where there are regulations for the enlargement and repair of certain roads in Berwickshire, pp. 548–9, where there are similar regulations for roads in East Lothian, and pp. 570–572, where the roads in Linlithgowshire are arranged for. There is an indication of the route his Majesty was likely to take in coming to Edinburgh in the entry at p. 646 imposing a toll for the repair of the High Street of Prestonpans; and at p. 667 it is fixed that, when his Majesty makes a progress, as it is expected he will, from Hamilton to Dumfries, it shall be by the town of Sanquhar. Naturally, however, it was a matter of special anxiety to the Council that the various royal palaces should be in a fit state against the time of his Majesty's arrival; and, above all, it was their anxiety that Edinburgh should be ready in all respects for his reception. The main Act relating to the palaces generally is that of the 22nd May 1616, at p. 517, giving powers to the Master of the Works for certain demolitions and repairs in the palaces of Holyrood, Stirling, and Falkland. The details of that Act ought to be of interest to local antiquarians. Far more numerous are the minutes relating to the preparations thought necessary in Edinburgh particularly. First, at pp. 470–472, there is an Act, dated 5th March 1616, for the abatement or suppression of the intolerable nuisance caused by the habitual resort of beggars and vagabonds of all kinds to Edinburgh, their nocturnal swarming in

the slums and close-ends of the town itself, the Canongate, the Potter Row, and other suburbs, and their vociferous bawling and begging in the day-time through all the streets. The Provost and Magistrates of Edinburgh were to see that these creatures were cleared out of the town within ten days,—an order, we may imagine, more easily given than executed, especially as more than a year had to elapse before its execution was absolutely necessary for the credit of the town in the eyes of the English strangers that would be in his Majesty's train. At pp. 477–8, still only in March 1616, there is a warrant to the Master of the Works for certain structural alterations in Edinburgh Castle ; at p. 492 one George Waldie, a carter, who has refused his services in these operations, is committed to the Tolbooth for his contempt ; at pp. 593–4, when the month of August has come, we see that native craftsmanship was thought insufficient for the elaborate interior repairs designed for the Chapel of Holyrood, and that a contract had been made with a London carver, named Nicolas Stone, for the execution of those repairs at a cost of £450 sterling (£5400 Scots) ; at p. 607 a St Andrews slater and his man, and a St Andrews wheelwright and his man, are taken to task for refusing to come to Edinburgh to assist in the works at the Castle and at Holyrood ; at p. 612, to show that native craftsmanship was not altogether despicable in certain walks, the Council accepts the contract of an Aberdeen plumber, named David Anderson, for all the lead work of the roofing of the new buildings in the Castle ; at p. 621 there is mention of the refractory St Andrews tradesmen again, and of others in their company ; and at p. 623, on the 22nd of September 1616, there is a supplementary vote of 20,000 merks to keep the works in Edinburgh, and also those at Stirling and Falkland, "gangand fordwart." Most curious of all to modern ideas are certain entries respecting the tapestry and other furnishings of the apartments in some of the palaces. "Charge aganis those who hes his Majesteis tapestrie" is an entry at p. 514, expanded in page 515 into an inquiry as to stray pieces of the royal tapestry, bedding, and household stuff that had gone at one time or another into the possession of various noblemen, and an order to the Earl of Mar, the Earl of

Home, the Earl of Linlithgow, and three other noblemen, to produce any such furnishings in their possession, and deliver them to the Master of the Wardrobe. Nothing can be more pathetic than the response to this order at p. 521. Save that Lord Chancellor Dunfermline handsomely came forward to acknowledge that he had at Dunfermline ten pieces of "auld and worne tapestrie" belonging to the King, embroidered with "the storie of Æneas, the storie of Troy, and the storie of Mankynd" (probably taken to the Earl's house in 1603 when he received the sickly Prince Charles to board with him till he should be well enough to follow his father and the rest of the royal family into England), nothing of the King's that was worth recovering could be certainly traced to its then whereabouts. But, if this was disappointing to the Master of the Wardrobe,—John Auchmutie was his name,—he had, at all events, four beds of his Majesty's in his own keeping (in Holyroodhouse, it would seem) of which something could be made. These were (1) "ane bed of the labouris of Hercules, contening the rooffe, the heade-peace, sax pandis, with three foote pandis," (2) "ane bed of crimesine velvett and gold, seven pandis," (3) "ane bed of embroderit worke of gold, silver, and silk, contening the rooffe, with three pandis hingand as it wer, with three other pandis loose for the rooffe, the head-peece, and three fute pandis," (4) "ane bed uncompleete, sewit be his Majesties mother, of gold, silver, and silk." Such is the description at p. 625, in the order given on the 22nd of September 1616 to John Auchmutie to deliver the beds to Mr Nicolls to be carried into England, "thair to be mendit and providit with furnitour answerable and suitable." Neither for work of this kind, it appears, was native Scottish skill then thought sufficient.

The last orders of preparation for his Majesty's visit contained in this volume are the three, of date 24th December 1616, which are given consecutively in pp. 681–684. The first is an order for the removal of all cattle and sheep then grazing in the royal park of Holyrood, so that the park may be properly stocked with choice wedders, &c., to be fattened for his Majesty's table when he shall be residing in the palace. The second is a repeti-

tion of the former Act for the clearing out from Edinburgh and its suburbs of all vagabonds and sturdy beggars, together with mendicant cripples and others whose appearance in the streets would disgrace the town in the eyes of the coming English strangers. As the former Act had not been efficacious enough, this is strengthened by the threat of scourging, burning in the hand, and imprisonment for a month on bread and water, as a first punishment for such beggars and vagabonds as do not pack off in time to their own parishes, to be followed by hanging in case of continued disobedience. The third order is the most comprehensive of all. It announces that the number of strangers that his Majesty will bring with him to Edinburgh will not be less than 5000 of all ranks and qualities, and it directs a survey of the whole town and its suburbs, so that there shall be perfect provision of suitable lodgings for these 5000 strangers and of stabling for 5000 horses. The order includes injunctions that the lodgings "be furnist with honnest and clene bedding, and weele weshin and weele smellit naprie and otheris linningis, and with a sufficient nomber and quantitie of goode veshell"; and there is also direction to the magistrates to see that the streets are cleaned and kept clean. About the Christmas time of 1616, it is evident, Auld Reekie must have been driven nearly to the end of its wits!

Together with the foregoing orders ought to be read his Majesty's letter which follows them at pp. 684–6, dated from Newmarket, 15th December, and explaining authoritatively his reasons for the proposed visit and his intentions during the visit. There had been false rumours, he says, on the subject; and he desires that these should be contradicted, so that any fears they may have caused in the breasts of any portion of his Scottish subjects may be dispelled. His first and main motive, he explains, is merely the gratification of that "salmon-lyke instinct," or natural longing to behold once more the land of his birth, which has for many years been strong in his mind, and has of late been stirring him restlessly in his waking hours, and often in his sleep. Next is his desire to redress any grievances, if such there are, which it may require his personal presence to

bring to light. Finally, as to any alterations or reformations either in the civil or the ecclesiastical government, let his Scottish subjects be assured that he has nothing such in contemplation as a particular business of his visit, will even refrain from perturbing it by pressing changes which in his own opinion would be good, and will propose nothing while he is in Scotland but what may recommend itself as universally or generally acceptable. How far this promise was kept will be seen in our next volume. Here the curtain drops at present; and some months have yet to elapse before his Majesty and his retinue sweep northward through the Middle Shires and are welcomed by the huzzas of his native kingdom.

I have to acknowledge the valuable cooperation I have received in this volume from my assistant, Mr G. Gregory Smith, M.A. Edin. and B.A. Oxon, late Vans Dunlop Scholar in English Literature in the University of Edinburgh, and author of *The Days of James IV.* (1488–1513), and of other contributions to Scottish History. For the labour of the all-essential Index I am indebted to another hand. D. M.

REGISTER

OF

THE PRIVY COUNCIL OF SCOTLAND.

ACTA ET DECRETA 1613.

lerunts. . 70, b.

Sederunt—Chancellor; Lotheane; Blantyre; President; Privy Seal; Secretary; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Kilsyithe; Bruntyland; Sir Peter Young. Edinburgh, 2nd March 1613.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie James, Lord Torthorwall, and actit and oblist himself to compeir personalie befoir the saidis Lordis upoun the xviij day of May nixttocome, and that he sall conforme himself to his Majesteis and the saidis Lordis will and pleasour anent the removing and setling of the feid and quarrell standing betuix him and the Lord Uchiltrie, under the pane of ten thousand merkis, and that in the meantyme he sall observe and keepe our Soverane Lordis peace with the said Lord Uchiltrie, under the pane foirsaid." Obligation by Lord Torthorwald in the matter of his feud with Lord Ochiltree.

"Ane licence past to Johnne Elphinstoun, sone to the laite Lord of Balmerinoch, to go oute of the cuntrey." [See Commission, March 4th.] Licence to John Elphinstone.

reta June 2–Dec. 3. 145, a.

Sederunt—Chancellor; Lotheane; Blantyre; President; Privy Seal; Secretary; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Kilsyth; Bruntiland; Medop; Sir Petir Young. Edinburgh, 4th March 1613.

145, a. Complaint by Patrik Stoddart in Swynchopburne within the parish of Peblis, and tutor to Johnne, Thomas, Richard, Alexander, and Chairlis Cleghorn, "bairnis and executouris confermit" to the late Thomas Cleghorne, burgess of Peblis, that Thomas Marchiestoun, flesher, "indwellair in Leyth," remains unrelaxed from a horning of 25th February last for not paying complainer, on behalf of the said executors, three Caption for debt against Thomas Marchiestoun at the instance of Patrick Stoddart.

score pounds; also other £40 already due as part payment of eleven score pounds due by him to the complainers; and also the remainder of the eleven score pounds, *i.e.* six score pounds, as by decree against the said Thomas dated 3rd December last; together with £10 of expenses. —Complainer appearing by Andro Hay, his procurator, but defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta June 1612–Dec. 1613. Fol. 145, a.

Angus M^cAllaster, denounced, at the instance of John Gordon of Buckie, for protecting certain Highland thieves and vagabonds.

Complaint by Johnne Gordoun of Buckie, Sheriff-Depute of Invernes, that Angus M^cAllaster V^cEanduy M^cRannald in , having apprehended Donald M^cSorle M^cGillichallum, Johnne M^cAngus M^cGillichallum and Gillespik M^cAngus M^cGillichallum, notorious "thevis, sornaris and vagaboundis," in the "actuall committing of thift, and with the fang, of horse, meiris, and certane insight plenischeing and utheris goodis," has kept company with them, and not only refused to surrender them to justice, but "in plane contempt and mockage of justice" came to the burgh of Invernes" in December last, and brought with him the said Donald, and "held him at his bak walking up and down the streitis the maist pairt of that day, as gif he had bene a lauchful, answerable, and lawbyding subject." The complainer, "being grevit that suche a notable malefactour sould so publictlie and avowedlie kythe himselff within the said burgh, . . . delt and travellit with the said Angus"; but to no purpose; for, when the complainer was "making some forces to have done the turne," the said Angus "quietlie convoyit the said Donnald away and sufferit him to eschaip."—The said Angus M^cAllaster M^cEanduy had been charged to appear this day and present his said prisoners, or show reasonable cause to the contrary; and now, the complainer appearing personally, but the defender not appearing, nor the said prisoners being produced, the Lords order the said Angus M^cAllaster M^cEanduy to be denounced rebel. Fol. 145, b.

Caption against John Symington of that Ilk and James Tennent of Lenhouse for debt to John Geddes and others.

Complaint by James Geddes, son to "umquhill Johne Geddes, portionair of Kirkard," and by James, Commendator of Melros, Chairlis Geddes of Rauchane, Thomas Geddes, his brother, Robert Sommervell of Caldlaw, and James Naismyth of Possill, his curatoris, "for thair interesse," that Johnne Symentoun of that ilk and James Tennent of Lenhouse remain respectively unrelaxed from hornings of 28th December and 25th January last for not paying complainer and his curators 1000 merks of principal and £100 of expenses.—Complainer appearing by Andro Hay, his procurator, but defenders not appearing, there is order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 146, b.

William and Alexander Donald denounced for assault on Alexander Watson, messenger.

Complaint by Alexander Watsone, messenger in Abirdene, as follows: —While he was repairing to the north on 5th September last "for chargeing of suche personis assysouris as wer gevin in roll to him be Forbes of Echt" for the assise against Irvingis, who were apprehended in Edinburgh for stealing two horses from the Laird of Echt, William Donald in Bantoth, accompanied by William Davidsone in Mure, Fol. 147, a.

Decreta June 1612–Dec. 1613. Fol. 147, a.

came to him in the house of Johnne Forbes "in the watter of Echt," where he was taking refreshment "in sober maner," and "upbraidit him with mony injurious and reprotchfull speitcheis, and proudlie and disdanfullie said, 'Quhat wer it to tak the buttoun or blason af his breist, and to lay ane hunder upoun sic a swounger as throw[1] art'; and thairwithall lap upoun him violentlie, preissit to have pullit and reft the blason af his breist, and, as he was going out at the dure of the said house, with a grite rung gaif him a grite stryke upoun his bak, of purpois to have struckin him upoun the head, and to have fellit him thairwith." Also that, on 26th November last, the said William Donald, and Alexander Donald, his brother, with twenty others, all armed, "come be way of hamesuckin undir cloud and silence of nicht," between 8 and 9 o'clock, to the complainer's house at Abirdene, and, entering violently, "searcht him for his bodelie hairme and slauchter"; when the said Donnald "efter a moist insolent maner appealed the said complenair to the combat, cuttit his gluiff, and kaist the same to him, and avowit with mony horrible aith to haif his lyff, how soone he micht start him, incais he failyet the tryst proponit be him for the said combatt."—The said William Donald and Alexander Donald had been charged to appear this day and answer for their conduct; and now, the said complainer appearing personally, but the defenders not appearing, the Lords order the said defenders to be denounced rebels.

Fol. 147, b.

Act in favour of Rory MacLeod of Harris for his good service in capturing Neill M°Leod in the Lewis.

Petition by Rorie M°Cleud of Dunveggane, as follows:—Having in July 1610 received by the late Earl of Dunbar a letter from his Majesty, directing him to assist the Earl in the apprehension of Neill M°Leud in the Lewis, and having undertaken the same, and having after some delay—because "the said Neill keepit himselff so warlie"—succeeded in capturing the said Neill, who is now in the tolbuith of Edinburgh, he desires that it be declared by an act of Council that he has fully executed his commission.—The Petition is granted by the Lords; who further declare that, whereas "thair hes bene some decritis recoverit aganis the said Rory," by which "he is lyke to be straited within this burgh, althocht he be able to releive him selff thairof be the ordinair course of law," and because he had made an errand to town on his Majesty's service, therefore the sheriff of Edinburgh and his deputies, the bailie of the regality of Brouchtoun, the Provost and Bailies of Edinburgh, and the bailies of the Canongait, "and all utheris judgeis and magistratis quhatsumevir," shall have no power to arrest the said Rorie "for quhatsumevir deid, caus, or occasioun during his remaining and abyding heir."

Fol. 148, a.

Fol. 148, b.

Certain Islesmen of Uist and Barra denounced for harbouring Neill MacLeod and other fugitives from the Lewis.

Complaint by Sir William Oliphant of Newtoun, knight, his Majesty's Advocate, as follows:—"The haill chiftanes and principall men of the yllis and continent nixt adjacent" having made their submission to his Majesty, "thair onlie resteth Neill M°Clewd, callit the Traytour, rebellious and dissobedient." He and his accomplices—viz.: Malcome M°Rorie M°Cleud, William M°Rorie M°Cleud, his brother, Johnne

[1] For "thou."

Dow M^c^Angus V^c^Gillimichell, Gillichallum V^c^Eane V^c^M^c^Lagart, Murdo and Donald M^c^Eane V^c^Intagart, Donald and Rorie, sons to Neill Cleud, and Donald M^c^Eaundy Breve—have maintained open rebellion in the Lewis for some years past; but, after their "strenth and starting hoill callit Berbissa" had been attacked by the tutor of Kintale and others in the King's name, they had fled to the "boundis and cuntreyis" of Donald M^c^Allan M^c^Eane of Yllantyrum, where thay "ar suppleit be thame and be Ronald M^c^Allane, bruther to the said Donald, Johnne M^c^Ronnald in Wist, Donald Gorme M^c^Eane thair, Ronald, his sone, thair, Ronald M^c^Ean V^c^Rorie thair, Angus M^c^Eane M^c^Allane thair, Neill Og M^c^Neill in Barray, Gillichallum M^c^Neill thair, Johnne M^c^Ferquhair Roy thair, and Kenneth M^c^Kenzie thair," despite the proclamation of the commission and against the resett of the rebels made at Invernes, and "intimat to Allane M^c^Allane M^c^Eane of Yllantyrum, capitane of the clan Ronnald, and utheris clannit men in the yllis."—The said Lord Advocate appearing personally, but the said defenders not appearing, the Lords order the said Johnne M^c^Ronald, Donald Gorme M^c^Eane, Ronald, his son, Ronnald M^c^Eane V^c^Rorie, Angus M^c^Eane M^c^Allane, Neill Oig M^c^Neill, Gillichallum M^c^Neill, Johnne M^c^Ferquhair Roy, and Kenneth Mackenzie, to be denounced rebels; and that the letters of horning against the said "Capitane of the Clanrannald" and his brother "be superseidit ungevin out quhill Andersmes next."

Decreta June 1612–Dec. 1613. Fol. 149, a.

Fol. 149, b.

Action by John Carmichael against the Earl of Lothian and George Inglis for aliment in prison.

Action by Johnne Carmichaell, "appeirand of the Maynes," for sustenance in ward, against the Earl of Lotheane, and George Inglis, burgess of Edinburgh, by whom he has been "waindit" in the tolbooth of Edinburgh for three quarters of a year past, where he now remains, "haveing nathing to leive upoun, but is lyke to perrishe for fault," only for not having found surety to the Erll of Lotheane for 1000 merkis, and to George Inglis for £500,—sums not authorised by the act of Parliament or the laws, he "being nather ane landit gentilman, nather ane burges," and liable therefore "bot for ane hundreth merkis, gif he wer able to get the same."—Pursuer appearing personally, and the Earl of Lotheane also appearing personally, and George Inglis appearing by Inglis, his son, the Lordis order the defenders to pay the pursuer daily during his imprisonment these sums, viz:—the Earl of Lotheane 3 shillings, and George Inglis 2 shillings.

Commission for the trial of Janet Litster, Katherine Vertue, and Euphame Young, suspected of witchcraft.

Commissions. Fol. 147, b.

Commission under the signet, signed by the Chancellor, Louthiane, Blantyre, Jo. Prestoun, Sir T. Hammyltoun, and Sir Alex. Hay, is given to Sir George Home of Wedderburne, knight, Sir Patrick Hepburne of Wauchtoun, knight, Sir Alexander Hammyltoun of Innerweik, knight, Sir William Seytoun of Kyllismure, knight, Sir Patrick Home of Aytoun, knight, Sir James Dowglas of Spott, knight, William Arnot of Colbrandispethe, or any four of them, and the Provost and Bailies of Dunbar, for the trial of Jonet Litster, spouse of Johnne Chanceller, gardener in Innerweik, Catherine Vertue, spouse of George Wallace in Corshouse,

and Ewphame Young in Cockburnes Peth, suspected of witchcraft sorcery, and other devilish practices, as stated in the report of a previous Commission appointed for examining the evidence against them.

Commissions. Fol. 148, b.

Licence under the signet, signed by the Chancellor, Lothiane, Johne Prestoun, Sir Thomas Hammyltoun, R. Cokburne, J. Cokburne, A. Drummond, and "Almussur," to Johnne Elphingstoun, eldest son of the deceased James, late Lord of Balmerinoch, to reside abroad for five years, notwithstanding all statutes or proclamations to the contrary, and to be free from all process of law for so doing, provided that he behave himself during his absence as a dutiful subject, and attempt nothing against the King or the present religion.

Licence to the eldest son of the late Lord Balmerino to go abroad for five years.

Sederunts. Fol. 70, b.

"Decreit aganis the Burrowis stayit agane."

Burghs.

Acta Oct. 1612–Nov. 1614. Fol. 24, a.

Sederunt—Chancellor; Bishop of Sanctandrois; Blantyre; President; Secretary; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Master of Elphingstoun; Kilsyth; Bruntyland; Medope.

Edinburgh, 9th March 1613.

Petition by M^r^ Robert Youngson, minister at Cleitt, as follows:— "Quhair this long time bigane he hes bene confynit within the boundis of his parrochine of upoun occasioun of that pretendit assemblie of the Kirk keept and haldin at Aberdyne, quhairintill he hes now gevin full contentment and satisfactioun to George, Archbishop of Sanctandrois, his ordinar, and he is content and consentis that the said M^r^ Robert be relaxt from his confynement and be sufferrit to pas quhair he pleis as his Majesteis frie liege—as the said Archibishop his consent undir his hand showne to the Lordis of Secrete Counsell beiris,—Humelie desyring thairfoir that he micht haif ane act of Counsell past and exped in his favour relaxing him from his said confynment and gevand him libertie to pas quhair he pleasit."—The Lords, having considered the petition. and "haveing alsua sene ane lettir undir the said Archbishop his hand proporting that he consentit to the libertie and releiff of the said M^r^ Robert, and haveing alsua hard the said Archbishop his awne declaratioun maid in this mater to the effect abonewrittin," do grant the petition, relaxing the said M^r^ Robert from his confinement, and giving him "libertie and licence to pas quhair he pleis as his Majesties frie subject."[1]

Act relieving Mr Robert Youngson from his confinement on account of the affair of the Aberdeen Assembly of 1605.

Fol. 24, b.

Sederunt—Chancellor; Bishop of Sanctandrois; Bishop of Glasgow; Loutheane; Blantyre; Cranstoun; President; Privy Seal; Secretary; Justice Clerk; Advocate; Kilsyth; Bruntyland; Medope.

Edinburgh, 11th March 1613.

Having been informed that "thair is verie grite appeirance of trouble and unquyetnes lyke to fall out betwix Andro Wod, appeirand of Largo,

Charge to the Lairds of Largo and Cambo in the matter of a dispute

[1] For the special antecedents of Mr Robert Youngson in the affair of the Aberdeen Assembly of 1605, see *ante*, Vol. VII. Introd., pp. xlvii–lx.

between them as to their rights in certain coal-grounds.

Elizabeth Lundie, his moder, and Henry Makiesoun, thair servand, on the ane pairt, and Thomas Martyne of Cambo and W^m^ Lundie in Faw-field on the uther pairt, anent the casting and setting doun of sinkis for wonneing of coillis upoun the marcheis of the landis of , quhilkis ar questionable betwix the saidis partyis and no ways as yet red, marcheit, and meitheit, the said laird of Largo and his said moder and thair coilyearis and servandis in thair names haveing alredy begun to cast the saidis sinkis, with purpois and resolutioun by the assistance of thair kin and freindis to prosequute and follow out the said work, and the said laird of Cambo intending by the lyk assistance of his kin and freindis to imped, stay, and hinder the said work, quhairupoun convocationis on ather syd ar lyke to be maid and grite inconvenientis lyk to fall out, to the breck of his Majesteis peace,"—the Lords of Council order letters to charge both parties to appear personally before them on the 7th of April next under pain of rebellion, and in the meantime under the same pain "to observe his Majesties peace, keep good reull and quyetnes in the countrey, and that thay nor nane of thame presome nor tak upon hand to proceid ony farder in the casting and setting doun sinkis upon the saidis landis, but to suffer the saidis workis to ly over and no fardir to be wroght thairin quhill the said Lordis tak ordour thairin in suche sort as salbe thocht most aggrieable to justice and for the peace and quyet of the countrey." Acta Oct. 1612–Nov. 1614. Fol. 25, a.

Edinburgh, 11th March 1613.

[Sederunt as recorded above.]

Decreta June 1612–Dec. 1613. Fol. 150, a.

Neill Oig MacNeill and Gillevuan MacNeill, natural sons of Rory MacNeill of Barra, with two accomplices, denounced for violent attack on their father and his legitimate son in the Castle of Kismule, capture of the said castle, and detention of them there in irons.

Complaint by "Rorie M^c^Neill of Barray, and Gillevuan Oig M^c^Neill, his lauchfull sone lauchfullie procreat betwix him and Moir Nine Allan, his lauchfull spous, and sister to Donald M^c^Allan of Yllantyrum, Capitane of the Clanrannald," as follows:—"Upoun the day of October last bypast, thay being within thair awne house and castell of Kismule in the Yle of Barray, thair doing thair lauchfull effairis in sober and quiet maner, lippyning for no violence, injurie, nor oppressioun to have bene done to thame be ony persone, it is of treuth that Neill Oig M^c^Neill and Gillevuan M^c^Neill, sones naturall to the said Rorie, unlauchfullie procreat betwix him and , mother to Sir Dougall Campbell of Auchinbrek, accompaneid with Rorie M^c^Conneill in , and Johnne M^c^Allan, pyper, with convocatioun of his Majesteis leigeis to the nowmer of twenty personis, all bodin in feir of weir with swerdis, gantillatis, plaitslevis, bowis, darlochis, durkis, targeis, lochaber aixis, tua-handit swerdis, and utheris wapponis invasive, come to said castell of Kismule, enterit violentlie thairintill and pat violent handis in the saidis complenaris, took and apprehendit thame, layed thame fast in the yrnis, mannit the said house, maid thame selffis maisteris and commanderis thairof, hes furneist the said house with men, victuall, poulder, bullet and uther weirlyke provisioun, keipis and haldis Fol. 150, b.

ecreta June 12-Dec. 13. l. 150, b.

the said house as ane house of weare, and detenis the saidis complenaris fast in the yrnis within the same," all without lawful cause or commission. The said Neill Oig M^cNeill and Gillevuan M^cNeill, natural sons of the said Rorie M^cNeill of Barray, and the said Rorie M^cConnell, and Johne M^cAllan, piper, had been charged to appear this day and answer, presenting their said prisoners, or showing reasonable cause to the contrary; and now, "the saidis persewairis compeirand personalie, and the saidis defendairis being oftymes callit and not compeirand, nor yit the saidis Rorie M^cNeill of Barray and his said sone being brocht, presentit and exhibite be thame, nor nane in thair names, conforme to the said chairge, nor na reasounable caus schawin in the contrair," the Lords order the said Neill Oig and Gillevuan M^cNeill, and the said Rorie M^cConnell, and Johnne M^cAllan, piper, to be denounced rebels.

l. 151, a.

Caption against Harry Stewart of Craigyhall for debt to Alexander Borthwick of Nethir Lany.

Complaint by Alexander Borthuik of Nethir Lany, that Harie Stewart of Cragyhall remains unrelaxed from a horning of 16th April 1611 for not paying complainer 1300 merks of principal with £100 of expenses.—Complainer appearing personally, but defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

l. 151, b.

Caption against Peter Hay for debt to James Dalzell.

Complaint by James Dalzell, younger, merchant, burges of Edinburgh, that Petir Hay of Kirkland remains unrelaxed from a horning of 20th February last for not paying complainer the third part of a principal sum of 8457 merks, 6s. 8d., and also £73, 6s. 8d. as the third part of the expenses incurred, with £12 for additional expenses and collector silver.—Pursuer appearing by David Cramby, his procurator, there is decree as above against defender for not appearing.

l. 152, a.

Caption against John, James, and William Johnstone for not answering for assault on certain tenants of Lady Castlemilk.

Complaint by William Johnnstoun in Raehill, and James Lawsoun in Castlemilk, tenants and servants to Barbara Edward, Lady Castlemilk, "and scho as maistres to thame for hir interesse," that Johnne Johnnstoun in Wraithis, James Johnnstoun, his brother, and William Johnnstoun of Brigmure, remain unrelaxed from a horning of 19th September last for not appearing to answer for their assault on the said complainers.—The complainers appearing by David Dalrumple, their procurator, there is decree as above against defenders for not appearing.

l. 152, b.

Caption against William Bannatyne of Corhouse and others for debt to Thomas Lindsay.

Complaint by Thomas Lindsay, merchant, burgess of Edinburgh, that William Bannatyne of Corhouse, William Bannatyne, younger of Corhouse, and Alexander Lokhart, fear of Cleghorne, remain unrelaxed from a horning of 25th November last for not paying complainer the following sums, viz.:—William Bannatyne of Corhouse, £98, 10s. of principal, and £40 of expenses; William Bannatyne, younger of Corhouse, £260 of principal, and £60 of expenses; Alexander Lokhart, £178, 10s. 2d. of principal, and £60 of expenses.—Pursuer appearing personally, and defenders not appearing, there is order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Caption against Walter Miller for debt to William Skelton, citizen of London.

Complaint by William Skeltoun, "citizen of the citie of London," and Andro Couper, writer, "factor and attorney" for his behalf, that Waltir Miller, "citiner" of Glasgow, remains unrelaxed from a horning of 23rd September last for not paying pursuer or his factor £27 sterling and English money, or £12 Scots for each £1 of the same, together with £12 Scots of expenses.—The pursuers appearing by Archibald Douglas, macer, their procurator, decree as above against defender for not appearing. Decreta June 1612–Dec. 1613.

Caption against the Laird of Close-burn for debt to John Smail.

Complaint by Johne Smaill, merchant, burgess of Edinburgh, that Sir Thomas Kirkpatrik of Cloisburne, knight, remains unrelaxed from a horning of 6th February last for not paying to pursuer £190 of principal and £40 of expenses.—Pursuer appearing by Archibald Douglas, macer, decree as above against defender for not appearing. Fol. 153, a.

Caption against Carruthers of Holmains and others for debt to John Scougal.

Complaint by Johnne Scougall, writer, indweller in the burgh of Edinburgh, "that Johnne Carrutheris, elder, of Holmaynis, Johnne Carrutheris, younger, his son and heir apparent, and Robert Johnnstoun of Raecleuch, tutor of Johnnstoun, remain unrelaxed from a horning of 10th December 1611 for not paying the pursuer £1000 Scots of principal and 100 merks of expenses.—Pursuer appearing by David Dalrumple, his procurator, decree as above against defenders for not appearing. Fol. 153, b.

Caption against Mr Walter and John Stewart for debt to Haliburton of Pitcur.

Complaint by James Halieburtoun of Pitcur, that Mr Waltir Stewart of Blakhillis, as principal, and Johnne Stewart of Graniche, as cautioner for him, remain unrelaxed from a horning of 23rd July last for not paying pursuer 1200 merks of principal and £100 of expenses.—Pursuer appearing personally, decree as above against defenders for not appearing. Fol. 154, a.

The Crafts of Stirling against the Magistrates thereof for imprisoning two of the craftsmen-burgesses for refusal to pay a certain custom ordered by the said magistrates, but which the pursuers maintain to be unlawful: Decree of Council in the matter.

Complaint by Sir William Oliphant of Newtoun, knight, his Majesty's Advocate, and by David Miller, "deacone convenair" and also deacon of "baxteris" of Stirling, David Henry, deacon of the hammermen, Johnne Andirsoun, deacon of the tailors, George Drummond, deacon of the skinners, Alexander Bennie, deacon of the "websteris," William Thomesoun, deacon of the fleshers, and Robert Hutsoun, deacon of the "cordinaris," of the burgh of Stirling, for themselves, and in name of the "haill remanent craftismen and utheris handlaris and traderis with victuall," as follows:—For some years past most of the merchants of the burgh—"of quhilk sorte and rank of people the haill counsell of the toun doeth consist, tua craftismen onlie haveing voit thairintill"—have borne "ane verie grite haitrent and malice aganis the haill craftis of the said toun (quhairof some nomber ar victuall-handlairis), and by all direct and indirect meanis hes evir socht to draw thame to trouble, fasherie, and extraordinair grite chairgeis and expensis"; and, though not long ago the commissioners appointed by the Privy Council settled these "elystis and differenceis," and expected that the merchants would have permitted the pursuers to enjoy "the liberteis and previlegeis dew to thame," and "to have levit besyde thame as being all memberis of ane Fol. 154, b. Fol. 155, a.

Decreta June 1612–Dec. 1613.

body," nevertheless, in November last "or thairby," the Provost and Bailies "verie presumptuouslie and unlauchfullie, be thame selffis, without the generall consent of the haill body of the said burgh, (the saidis tua craftismen counsallouris of the said burgh disasenting frome thame)," without royal warrant, or allowance of the burghs, ordained the complainers and other freemen to pay a custome—"callit be thame the ladill dewtie"—on every load of victual brought into the burgh either for their own use, or to be sold "in smallis or in bread or drink for the commoun benefite of the towne." The said merchants have already enforced this custom, having on 8th February last, "by oppin violence, and be way of bangastrie and oppressioun," apprehended James Henrysoun and Waltir Keir, "baxteris, burgessis and frie craftismen and nichtbouris of the said burgh," and committed them to ward within the tolbooth thereof for their refusal to make payment of the said custom. Now, "it is of veritie that nather in the said burgh of Striveling, nor in na

Fol. 155, b.

uther burgh within this kingdome, wes thair evir ony suche dewtie exactit or intendit to have bene exactit be the magistratis of the burrowis fra ony freemen for victuall boght be thame in the cuntrey and imbroght"; but "the ladill dewtie" of Striveling and of all other burghs, "utherwyse callit the gait dichtingis," given to the burghs for keeping their streets clean, "is onlie extendit aganis unfremen who presentis thair victuall to the mercatis," just as other small commodities brought by "unfremen" pay custom. If, however, this custom be allowed, "fremen and nichtbouris" will be "in no bettir cais and conditoun nor ane unfreman," and will lose the privileges which they and their predecessors have enjoyed "from the first erecting of the burgh." Nor could the act have been lawfully made, far less lawfully executed, without authority from the King and the Privy Council, or the consent of the Burghs. Moreover, in February last, the Provost and Bailies, knowing that their imprisonment of the aforesaid persons might be "querrellit be law and prove daingerous to thame," had, in order to check their proceedings, "fensit ane pretendit justice court within the tolbuith," and, having

Fol. 156, a.

charged certain persons with having within their houses a quantity of beir bought from "landwart gentilmen," had "unlawit thame and ilkane of thame in the sowme of fourty pundis, and hes ordanit thame that they sall not buy ony victuall in the countrey heirefter bot upoun the calsay of the said burgh allanerlie," each under the pain of 100 merks. "Wherein as the saidis judgeis hes schawin thair malice, and unlauchfullie hes proceidit to the halding of the said justice courte upoun the said cryme, and unjustlie hes sustenit and found the said dittay relevant aganis the saidis personis, and hes puttin thame to the knawledge of ane assyse: so, the assyse being incloisit, and resolveing to haif clengeit the saidis personis, and to have fred thame of the same, the clerke of court maid intelligence thairof be write to the Provest, who, immediatlie oppyning the dure quhair the assyse satt, be him selff and his procuratour fishall threatnit and minassit the assyse with minassing and boisting

speitcheis to proceid and convict the saidis personis of the said cryme; lyke as the personis of inqueist, being bot poore simple ignorant men, for just feir to haif ben troublit be the saidis magistratis, fyllit the saidis personis of the said cryme." Now, "the calling of all personis guiltie of this cryme is onlie propper to his Majesteis Thesaurair and his depute, and the unlawis thairof sould appertene to the Kingis Majestie propirlie; and, gif the buying of victuall be fremen of a burgh fra cuntrey gentilmen ather at home in thair awne housis or abroad in the cuntrey salbe haldin to be foirstalling of mercattis, how many thousandis of people within the burrowis of this kingdome ar guiltie of that cryme!" The complainers claim that, the "said victuall-trading being the principall commoditie and cheif handling of this kingdome," such procedure is unheard of, and is a novelty without precedent. "It is not qualifeit in the said pretendit dittay that the saidis personis interceptit ony victuall comeing to the said mercat, and boght the said victuall in the way and cowped the same over agane"; but, on the contrary, most of the victual was bought in Eist and West Lotheane, Fyff, Stratharne, and other parts far distant from Striveling; "quhilk wald nevir be presentit to the mercatis thairof, incaice thay went not to the saidis cuntreyis for buying and hamebringing of the same: and, gif be the exacting of the ladill dewtie foirsaid and unlawing of the saidis complenaris as foirstallaris for that caus thay salbe compellit to leive af that trade, both the cuntrey gentilmen, fra whome thay buy the said victuall, sall ressave prejudice thairby, and also thair salbe suche a dearthe within the said burgh of Striveling as the poore people and inhabitantis thairof sall not be able to leive within the same." All this notwithstanding, "the Provest and Bailleis still yit detenis the saidis James Hendirsoun and Waltir Keir in waird within the said tolbuith, quhair thay haif remanit this moneth bigane, and onnawyse will put thame to libertie without thay be compellit."—The Lord Advocate appearing personally, and the other pursuers by Christopher Cairnis, Johnne Hendirsoun and James Warde, "baxteris," and Robert Patirsoun, goldsmith, all burgesses of Striveling, and the defenders also being personally present, viz.:—Duncane Patirsoun, Provost of the burgh, Christopher, Alexander, and Johnne Cunynghame, Bailies of the said burgh,—these last, in obedience to an order of the Council, present the said James Henrysoun and Waltir Keir, and produce the "act of thair court anent the custome," signed by "Johnne Williamsoun, notair and clerk of the said burgh," dated 14th September last, which enacted that "all beare boght and imbroght within the said burgh be the inhabitantis thairof, except beare comeand be the sey and the townes awne growing cornis, sould pay to the toun siclyke custome of the ladill or gait dichting as gif the samyn wer presentit to be sauld in the mercatt, and that unfremen inhabitantis within the said burgh sould pay for thair beir comeing be sey ane pek of ilk chalder." They also produce an act and rolment of court, signed by the said Johnne Williamsoun, bearing that the said James

Decreta June 1612-Dec. 1613.

Fol. 156, b.

Fol. 157, a.

ecreta June 12–Dec. 13. ol. 157, b.

Henrysoun and Waltir Keir were on 19th February last found guilty of "regraiting and foirstalling of the mercatis," and were "unlawit" as above. Thereupon the Lords declare that the act anent the custom is lawfully made for the weal of the burgh, and shall be in force hereafter, but with this limitation, that it "sall onlie be extendit aganis suche personis, inhabitantis of the said burgh, who byis and bringis victuall to the said burgh and sellis the same over agane in that same kynd, space, and sorte as it wes boght," and that others who buy "for thair awne use in thair severall callingis, and for the exercise and handling of thair calling, —as, namelie, maltmen who byis beir and makis the same in malt, baxteris who byis quheite, makis the same in floure, and sellis the same in bread, and meil makeris who byis aittis, makis and sellis the same in meill,"—shall be relieved from the custom. The Lords also order the said James Henrysoun and Waltir Keir to be released, and the "unlaw" discharged.

cta Oct. 612–Nov. 614. ol. 25, a.

Sederunt—Chancellor; Bishop of Glasgow; Lynlythgow; Blantyre; Treasurer Depute; President; Privy Seal; Secretary; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medope; Sir Johnne Arnot; Mr George Young. Edinburgh, 17th March 1613.

ol. 25, b.

"Forsamekle as, albeit the eating of fleshe in Lentrone, and upoun Wednisdayis, Fridayis, and Setterdayis, hes bene prohibit and dischairgit be diverse actis of Parliament maid be his Majestie and his predicessouris of famous memorie, and that his Majestie causit yeirlie intimacioun and publicacioun to be maid of the saidis actis, quhairby his Majesteis subjectis micht haif bene the rather induceit to a reverent obedience thairunto, and that all pretext of excuise micht haif bene remuvit from thame in cais of thair violatioun and breck of the saidis actis; and his Majestie knowing parfytlie that grite nomberis of his Majesteis subjectis of all rankis and degreis haid come within the compas of violatioun and breck of the saidis actis, sua that his Majestie, with verie good reasoun, and without just cause of grudge and murmour on the pairt of his Majesteis subjectis, micht haif proceidit aganis thame and exactit the penalteis and foirfeyteis of the saidis actis; yitt his Majestie, out of his most gratious dispositioun to clemencie and mercie, whose superabounding love to all his subjectis is nevir wanting, but hes evir bene more dysposit and inclynit to pitie then punneishe the eschaipis, faultis, and oversichtis of his people, wes pleasit, in his last Parliament, haldin at Edinburgh in the monethe of October now bigane, and with advise of his Estaitis thair convenit, to dischairge the haill subjectis and liegis of this realme of all bigane pennaltyis, unlawis and punneishmentis incurrit be thame or ony of thame through the brecking and violating of the saidis actis of Parliament, and ordanit the saidis actis to stand in thair awne force and to be put to dew executioun in tyme comeing, and the transgressoris to be accordinglie punneist; and his Majestie looking that this his Majesteis favour sould

New Proclamation for the due observance of Lent, with reference to an Act on the subject passed in the Parliament of October 1612.

haif bene imbraceit be his Majesteis subjectis with all dew respect and regaird, and sould haif produceit in thame a more reverent obedience to the law in this poynt; yitt suche is the presumptioun and misregaird of a grite many of his Majesteis subjectis that, abuseing his Majesteis lenitie and favour and preferring thair awne contentment and the feiding of thair bellyis to his Majesteis obedience, they haif within the tyme of this present Lent violat and contravenit the saidis actis, although they war in dew and lauchful tyme admonishit be proclamatioun to haif keept the same; whairby his Majestie findis be experience that no thing can be so forceable to retene and hold undewtifull subjectis under the obedience of the law as the executioun of the law upoun the transgressouris: And thairfoir his Majestie, with advise of the Lordis of Previe Counsaill, hes resolvit and concludit no longer to oversee this proud contempt of his Majesteis auctoritie, bot to persew and punneishe all and sindrie personis, of whatsomever rank, qualitie or degree thay be, who sen the tyme of his Majesteis Parliament foirsaid, haldin in the monethe of October last, hes violat and contravenit the saidis actis of Parliament maid anent the eating of fleshe in foirbiddin tyme, or who salhappin to violat or contraveine the saidis actis hereaftir without sufficient licenceis and warrandis haid be thame to that effect, sua that, quhair long patience, lenitie, and favour can not procure obedience, his Majestie intendis by strik executioun of justice to be obeyit; And ordanis letteris to be direct to make publicatioun heirof be oppin proclamatioun at all placeis neidfull, quairthrou nane pretendis ignorance of the same."

Acta Oct. 1612–Nov. 1614.

Fol. 26, a.

Proclamation anent neglect of the ordinance of Council requiring the registration of all infeftments, gifts, signatures, and patents, within forty days of their dates.

"Forsamekle as, althocht the Lordis of Secrete Counsell, upon verie goode considerations, hes be ane speciall act of Counsell ordanit that all personis who sould purches and procure of his Majestie and the officeris of his Majesteis ressett ony infeftmentis, gifts, signatouris and patentis of quhatsomever qualitie, that the same personis sould pas and expeid thair saidis signaturis, infeftmentis and patentis throw the register and seallis within fourty dayis nixt eftir the dait of the same, whairin yf thay faillyeed, the said space being bipast, the saidis signaturis, infeftmentis and patentis wer be the said act ordanit to be null, as the act maid thairupoun beiris. Notwithstanding it is of treuth, as the saidis Lordis ar informed, that thair is a grite number of personis who, haveing procurit signatouris and patentis grantit unto thame of landis and utheris thingis concerning thame, and haveing past and exped the same throw the register, they then suffer the same to ly at the seallis in the hands of the keeperis thairof withont payment of the price of the same; whairin be all appeirance the awnaris of the saidis signatouris and patentis are abusit and circumvenit be thair agentis to whom they commit the credite and trust of expeding of the same through the saidis registeris and seallis, who haveing ressavit good payment and satisfactioun for expeding of the saidis patentis, they convert the moneyis ressavit be thame to thair awne privat useis, and sufferis their clientis writtis to ly unlousit, to the hurt and prejudice of thair saidis clientis, and to the grite hinder of

Fol. 26, b.

ta Oct. 12–Nov. 14.

the saidis registeris and seallis. Thairfoir the Lordis of Secrete Counsell ordanes letteris to be direct to command and charge all and sindrie personis who hes ony infeftmentis, signatouris and patentis of whatsomevir nature and qualitie lyand at the signet, previe, and grite seallis, be oppin proclamatioun at the marcat croce of Edinburgh and utheris placeis neidfull, that thay and everyane of thame louse thair saidis infeftmentis, signaturis, and patentis, and pay the dew price thairof, betwix the dait heirof and the xv day of May nixtocome, with certificatioun to these who sall suffer thair signatouris, infeftmentis, and patentis to ly unlousit at the said seallis, the day foresaid being bipast, that then and immediatlie thaireftir thair saidis infeftmentis, signatouris and patentis salbe distroyit, cancellit, and rivin, and warrandis thairof deleitt furth of the registeris. And the productioun of the previe and grite seallis and signet be the keeparis thairof at ony of the saidis registeris salbe ane sufficient warrand for deletioun of the saidis signatouris, infeftmentis, and patentis furth of the registeris, and for cancelling and distroying of the originall warrand and signatour lyand at the signet."

Act for the relief of the King's tenants in the Island of Islay from certain oppressions and illegal exactions, by Sir Ronald MacSorley and others.

"Forsamekle as the Kingis Majesteis tennentis inhabiting the yle of Yla hes by thair petitioun laitlie exhibit unto the Lordis of his Majesteis Previe Counsell most havylie complanit that Sir Ronnald McSorlie, knycht, and his officeris and servandis in his name, hes begun to impost upoun thame
ol. 27, a. verie hevy burdingis, exactionis, and impositionis, whairat thay nor nane of thair predicessouris wer nevir heretofoir burdynit, especialy by exacting and lifting from thame of the dewtie following for every head of goodis quhilkis they do hald and pastour upoun the waist landis of Yla,—viz.: for every hors, cow, and meare four shillingis daylie, and for every sheip tuelff penneis daylie,—(notwithstanding that thay do pay his Majesteis dewtie for the saidis waist landis), and by exacting and lifting fra every wobstar and cordinair within the boundis of Yla fourtie aucht shillingis yeirlie in quarterlie payment, and tuelff penneis for every kow that ane man ressavis with his wyff the tyme of his marriage: and that the said Sir Ronald and his officeris in his name intendis, aganis the lawis of this realme, to astrik and subject his Majesteis tennentis foirsaidis to the formes and lawis of Yreland, and to compell thame to persew and defend in all thair actionis and causis according to the forme and custome of Yreland; quhilk is a mater of verie grite greif unto thame that thay, being his Majesteis native borne subjectis, sould be rewlit and governit be foreyne and strange lawis. And, last, that they ar verie havylie oppreist, troublit and wrackit be a nombir of ydill men, vagaboundis and sornaris, who lyis upoun thame, consumes thair viveris, and spoyllis thame of thair goodis at thair pleasour. By quhilkis exactionis, oppressionis, and wrongis his Majesteis saidis tennentis ar reducit to grite miserie, and wilbe constraynit to foirsaik and leave thair kyndlie habitatioun, rowmes, and possessionis, without remeid be providit. Quhilk complaint being hard and considerit be the saidis Lordis, and thay being cairfull to provyd for the ease and releiff of

his Majesteis saidis tennentis, sua that nouther thay salbe subject, governit, and rewlit be strange and foreyne lawis, nor oppressit, spoyllit and wrackit be foul vagaboundis, sornaris and oppressouris, nor yitt that the impositionis and exactionis abonewrittin, quhilkis ar not warrandit be ony law, custome, or preceiding observatioun within the saidis boundis, salbe of ony longer force or continewance aganis the saidis tennentis: Thairfoir the saidis Lordis ordainis letteris to be direct to command, charge and inhibit the said Sir Ronald M^cSorle, his officeris, deputyis, and all utheris haveing warrand or commissioun from him, that thay onnawise presome nor tak upoun hand to lift, raise, or exact from the said tennentis the unaccustomed dewteis abonewrittin, and that thay onnawise judge nor censure thame by ony foreyne or strange lawis, bot according to the lawis and formes of this country, as thay and ilk ane of thame will answer to his Majestie and the saidis Lordis upoun the countrarie at thair heichest charge and perrell; as alsua to command, charge and inhibit all and sindrie ydill men and vagaboundis and sornaris within the saidis boundis that they onnawise presome nor tak upon hand to sorne, vex, harme or molest the saidis tennentis, nor to mell nor to intromett with thair viveris, goodis and geir: certifying thame that failyees or salhappin to do in the countrarie that they sall be persewit as sornaris and thevis, and salbe puuneist thairupoun with all rigour and extremitie, conforme to the lawis of this rcalme." Acta Oct. 1612–Nov. 1614. Fol. 27, b.

Act acknowledging the fulfilment by the Provost and Bailies of Edinburgh of the old undertaking of the burgh, at the time of the baptism of the Princess Elizabeth, to give her a certain sum of money on her marriage, and authorising the cancelling of the Act by which the burgh had bound itself to that effect.

"Anent the supplicatioun presentit to the Lordis of Secrete Counsell be the Provest and Bailleis of Edinburgh makand mentioun that quhair, it being the Kingis Majesteis gratious will and pleasour to honnour and favour the magistratis and counsell of the said burgh for the tyme to be assistantis and witnessis to the baptisme of his Majesteis darrest dochter the lady Elizabeth, thay, to testifie thair thankfulnes and good affectioun to his Majestie for suche ane singular favour shawne unto thame, oblist thame, be ane act insert and registerit in thair awin books, to gif unto the said lady Elizabeth at hir mairiage ane certaine sowme of money; quhilk sowme thay haif now dewlie, tymeouslie, and thankfullie payit, as his Majesteis letter direct unto the saidis Lordis, bering the payment of the said sowme, bearis: Humblie desyreing thairfoir that thay micht haif ane act and warrand past and exped in thair favour in manner and to the effect undirwrittin, lykas at mair lenth is contenit in the said supplicatioun. Quhilkis being red, hard, sene, and considerit be the saidis Lordis, and thay haveing alsua sene his Majesteis missive letter direct to Alexander, Erll of Dunfermelyne, Lord Heich Chanceller of this kingdome, and to Mr Thomas Hammyltoun of Byres, knyght, his Majesteis Secretarie of the said kingdome, bering that the said burgh of Edinburgh haid sufficientlie performit the conditioun maid be thame anent the payment of the said sowme, and thairfoir ordaning the act maid be thame to that effect to be cancellat out of thair bookis as already dischargit and fulfillit in every point; and the saidis Lordis being weill advisit with the said supplicatioun and with his Majesteis Fol. 28, a.

Acta Oct 1612-Nov 1614.

missive foresaid, and, according to his Majesteis declaratioun mentionat in the said letter, finding the desyre of the said supplicatioun reassounable: Thairfoir the Lordis of Secrete Counsell ffindis and declairis that the Provest, Bailleis and Counsell of the said burgh of Edinburgh hes performed, fulfilled, satisfeit, and payit the sowme of money promittit to be payit be thame in manner foirsaid, and particularlie specifeit and contenit in thair said act, and thairfoir ordanis thame to deleit furth of thair books the act quhairby promeis and conditioun wes maid for payment of the said sowme, quhairthrou the same haif no strenth, force, effect, nor executioun heireftir."

"Followis his Majesteis missive and warrand for the act abonewrittin: —"Richt trustie and richt weilbelovit cosen and counsellour, and richt trustie and weilbelovit counsellour, we grete you weill:—Whereas at the baptisme of our darrest dochter the lady Elizabeth the town of Edinburgh oblist thame selffis by ane act to gif unto hir at hir mariage a certaine sowme of money; whiche thay haif now sufficientlie performed: It is thairfoir our pleasour that ye cause the said act be randerit unto thame, and the same cancelled out of the books as already dischairged and fulfillit in every point. And, heirof willing you not to faile, we bid you fairweill. From [oure] court at New Markett, the 6th of Marche 1613."[1]

"The headis and articles aggreit upoun betwixt the Lordis of his Majesteis Previe Counsaill and Thomas Foullis, goldsmyth, burges of Edinburgh, and Paulo Pinto, Portuguail, anent ane few to be maid to thame and thair partineris be his Majestie of the silvir mines of Hilderstoun:—

Fol. 28, b.

Conditions of the infeftment of Sir William Alexander of Menstrie, Thomas Foullis, goldsmith, Paulo Pinto, a Portuguese, and others, in their partnership in the silver mines of Hilderston.

"His Majestie sall pas and expeid ane heretable infeftment of few-ferme to Sir Williame Alexander of Menstrie, knycht, Thomas Foullis, goldsmyth, burges of Edinburgh, and Paulo Pinto, Portugall, and to suche utheris partineris as thay sall adjoyne unto thame, and to thair airis maill and assignayis,—quhilkis failyeing in ony of the associatis, his pairt to accresce to the rest of the societie,—of all and haill the silvir mynes of Hilderstoun, and utheris landis nixt adjacent thairunto, and quhilkis wer contenit and insert in the infeftment maid be his Majestie of the saidis mynnes to Sir Thomas Hammyltoun of Byris, knycht, his Majesteis Secretarie, for payment yeirlie to his Majestie of the just tenth pairt of the ure quhilk sall arryise furth of the saidis mynnes; quhilk tenth pairt of the said ure his Majestie sall outher caus ressaue fra the saidis partineris to be fynned quhair his Majestie sall think good, or otherwise it salbe in his Majesteis optioun and choise to committ the fynneing thairof to the said partinaris, who salbe haldin

1 The baptism of the Lady Elizabeth had been at Holyroodhouse on the 28th of November 1596; on which occasion the Provost and Bailies of Edinburgh had been among the invited guests. The marriage with the Elector Palatine had been on the 14th of February 1613, about a month before the date of the present Act.

to refyne his Majesteis said tent pairt of suche ure as thay thame selffis doeth fyne thair stok for the ten pairt of the silver arrysing of the same, delyvering to his Majestie the thrid pairt of the said fyne silvir. Acta Oct. 1612–Nov. 1613.

" The saidis mynes salbe redemable be his Majestie and his successouris fra the said partinaris after that thay be brocht by thair labour and expensis to ane perfectioun, upoun payment to the saidis partinaris of the sowme of ane hundreth thousand pundis Scottis, with this provision and conditioun,—that eftir the payment of the said sowme the partinaris sall possess, injoy, and peaceablie labour the saidis mynes to thair maist benefite the space of six monethis, to the effect thay may be the more able and haif laiser to withdraw thair stoke, furneist be thame for the upsetting of the saidis workis.

" That the partinaris sall bring in and delyver in his Majesteis cunziehouse the haill silver that salbe won in the saidis mynes, to the effect the silvir may be past the yrnis; and it salbe delyverit bak agane to thame, with retentioun and reservatioun of the coynage allanerlie. Fol. 29, a.

" Licence salbe grantit to the saidis partinaris to transport so muche of the said silvir as convenientlie may serve for buying and furnissing of thame of suche necessaris as are requisit for the saidis mynes.

" Gif by the progres of the workis it salbe fundin that the same ar proffitable to his Majestie and the countrey, and that necessitie will requyre the hambringing of the materiallis and utheris necessaris for the saidis workis quhilkis can not be haid in this countrey, the Lordis will accordinglie haif consideratioun in the nixt sett to be maid of the customes that the partinaris sall haif licence to transport furth of this kingdome and bring in within the same suche lauchfull commoditeis and wairis custome frie as will serve for the hambringing of the necessar commoditeis for the use of the mynes allanerlie and no fardir.

" All former giftis maid heirtofoir to quhatsomever persone or personis of ony office concerning the saidis mynes, with the haill feallis and allowanceis thairof, salbe dischargit, sua that the saidis partinaris sall nowys be troublit in the prosequutioun and setting fordwart of thair workis be ony personis, exceptand alwise the maister of the mettallis, who is to injoy his office in the previlegeis and jurisdictioun thairof conforme to the act of Parliament in the 92 yeir of God.

" The haill housis belonging to the mynes, alsweill upoun the ground of the landis quhair the mynes ar as at the fyre workis and stamping workis besyd the burgh of Lynlythgow, with the work-lowmes and utenceillis pertening to the mynes, togiddir with the said ure alredy wyn furth of the same, and extract ather at the mynes, or at the fyre workis and stamping workis, with the haill sparris, muddingis, coillis, slaigges, and quhat els belonging thairunto, sall be delyverit to the partinaris; and thay salbe possest thairwith for the bettir working of the saidis mynes.

" After that the Kingis Majestie hes redemit the mynis fra the partinaris, thay salbe haldin to leave the saidis housis, work-lowmes,

cta Oct. 612–Nov. 614.

and quhat else salbe delyverit to thame at thair entrie, in als good estait as thay ressavit the same.

"Gif the partinaris sall leave the workis and suffer the same to ly and cease without a lauchfull cause to be qualifeit be thame to his Majesteis Counsaill, they salbe haldin to enter agane to the workis and follow out the same upoun sex monethis warning to be maid unto thame; wharin yf thay failyes, thay sall foirfalt thair few and richt of the mynes, and his Majestie sall enter to the possessioun of the same.

"Because sindrie strangearis and utheris ar to enter in this societie, and that mony thingis may occur and fall out quhilkis will require premonitionis and warningis to be maid unto thame, it is thairfoir aggreit that all suche premonitionis, citationis, and warningis salbe maid at the mynes allanerlie.

"All these who ar to enter in this societie, with thair servandis and workmen, sall haif his Majesties protectioun grantit unto thame in dew and ample forme."

"Followis his Majesteis missive and warrand for the articles abone-writtin:—

"Right trustie and richt weilbelovit cosen and counsellour, and richt trustie and weilbelovit counsellouris, we greit you weill:—Whareas certane overtures haif of lait bene made unto us by Sir William Alexander of Menstrie, Thomas Foullis, and thair partinaris, concerning our silvir mynes of Hilderstoun, we haif thocht good to refer the saidis overtures to your consideratioun. Bot, quhair thare is ane article concerning the fyneing of that pairt to be payit to us proponding ather a present sowme to be lent or tua pairtis of thrie of the ure to be gevin for fyneing of the same, we rather choose to give the said tua pairt of the thrie then to foirbear ony present sowme out of our cofferris. The rest of the articles we refer to your consideratioun, to be rejectit or ressavit
. 30, a. according as ye sall find to be most for our commoditie. Whiche commending to your speciall cair, we bid you fairweill. At Newmarkett the 6th of Marche 1613."

Act relieving Robert Maxwell, brother of the forfeited Lord Maxwell, from his ward in Edinburgh, on certain conditions.

On petition from Robert Maxwell, "sone lauchfull to umquhile Johnne, Lord Maxwell,"[1] representing that, whereas "be warrand and directioun from his Majestie and the Lordis of Secrete Counsell he hes bene confynit and wairdit almaist this yeir bigane within the burgh of Edinburgh, and has verie trewlie keepit the boundis of his confynment and warding," and whereas "the vacance approcheis and that he hes sindrie affairis to do in the countrey quhilkis tuicheis him verie neir in his mean estait," an Act for his relief is desirable, the Lords of Council "frethis and relevis the said Robert Maxwell of his said waird and confynment, and grantis unto him libertie and licence to pas quhair he

[1] The "umquhile Lord Maxwell" here meant was the Lord Maxwell who had died in 1593, and whose other son was the later and more notorious Lord Maxwell who had been fugitive from a sentence of death and forfeiture since June 1609, but had recently been apprehended, and was a prisoner in the tolbooth of Edinburgh at the date of this entry. The "Robert Maxwell" of this entry was the *brother* of that still living Lord Maxwell.

pleas quhill the last day of May nixttocome, with this provisioun and conditioun alwise, that he sall not resort nor repair to the boundis of Nithisdaill, Annanderdaill nor Galloway, and that he sall reenter his persone in waird within the burgh of Edinburgh afoir the said last day of May nixtocome; and in the meantyme ordanes him to be payit monethly of the allowance quhilk the Kingis Majestie hes grantit unto him for his mantennance." Acta Oct. 1612–Nov. 1614.

Edinburgh, 17th March 1613.

[Sederunt as recorded above.]

Decreta June 1612–Dec. 1613. Fol. 158, a.

Caption against Lord Herries and others for debt to Thomas Adnistoun.

Complaint by Thomas Adnistoun, merchant, burgess of Edinburgh, that Johnne, Lord Hereis, as principal, Johnne Maxwell of Bairphill, Johnne Hereis of Crochmoir, Robert Hereis of Lawstoun, James Lindsay of Fairgirth, Johnne Hereis in Glesteris, Johnne Chairtouris of Suffok, as cautioners for him, remain unrelaxed from a horning of 10th September last for not paying pursuer 5433 merks of principal, and 500 merks of expenses; also that the said James Lindsay of Fairgirth remains unrelaxed from a horning of same date for not paying pursuer £442, 15s. 4d. of principal, and £60 of expenses.—The pursuer appearing by Archibald Douglas, macer, but the defenders not appearing, order is given to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Action of Andro Burt against James Moncreiff continued.

The action at the instance of Sir Williame Oliphant of Newtoun, Lord Advocate, for the King's interest, and of Andro Burte, "notair and indwellair in Perth," against James Moncrieff of Tullimull, "indwellair in Dunkeld," Gilbert Moncrieff of Myresyde, his brother, and Mr Coline Ramsay, brother of the Laird of Murie, for lying in wait for the said Andro Burt, by night, "at his awne yett," and "beiring and weiring of hagbutis and pistolletis," is continued to 7th April next, that witnesses may be called. The Lords order such witnesses, "not exceiding the nomber of ten," to appear personally on the said day, as those "as best knawis the veritie . . onnawyse will do without thay be compellit." Fol. 158, b.

Sederunts. Fol. 71, a.

"Ane commissioun for visitatioun of the Universitie of Abirdeyne."

Commissions. Fol. 149, a.

University of Aberdeen. Undated. 1613.

Warrant for serving Archibald Stewart of Ardgowan heir to his late father and brother, notwithstanding his minority.

Warrant under the signet, signed by the Chancellor, Jo. Prestoun, and Sir G. Murray, to Alexander Fleming of Barrochane, Andro Stewart in Wodsett, Johne Wallace, bailie of Paislay, and Johne Algie, burgess of Paislay, or any two of them, as sheriffs of the sheriffdom of Renfrew and Bute and bailies of the bailiary of Carrik, to proceed to the service of briefs of inquest purchased at the instance of Archibald Stewart of Ardgowane, for serving him—notwithstanding his minority—as nearest heir to his late father, Johnne Stewart of Ardgowane, and his late elder brother, James Stewart, apparent of Ardgowane, in the lands and heritages held by him of the King, and of his son Charles, Prince of Great Britain, France, and Ireland, and Steward of Scotland, by service of ward and

[1] This Commission must have been signed not later than 23rd March 1613.

relief. The dispensation is in nowise to be prejudicial to the King, his Treasurer, and Donator. Composition £5.

The *Minute Book of Processes* gives the following memoranda collectively for the month of March 1613:— Minute Book of Processes.

Ryott: William Watsone against Alexander Donald.
Rebellion: James Geddes against Johne Symintoun.
Rebellion: Patrik Stoddart against Thomas Merchistoun.
Walkning of a suspension: Andro Morison against Johne Bruce.
Petitione: Johne Carmichaell to be putt to libertie.
Proces against Rory M^{c}Allan, &c., for resett of M^{c}Neill in the Lewes.
Ryott: Johne Hattoun against Johne Hendersone.
Petitione: Rory M^{c}Cleud craving that the exhibiting of Neill M^{c}Cleud of the Lewes may be declared acceptable service.
Petitione: Mr Robert Youngsone, minister, to be liberat of his confyning.
Oppression: Rory M^{c}Neill against Neill Oig M^{c}Neill.
Rebellion: Alexander Borthwick against Hary Stewart.
Rebellion: Johne Scougall against Johne Carrutheris.
Rebellion: William Skeltoun against Walter Millar.
Rebellion: James Dalyell against Peter Hay.
Rebellion: James Halliburtoun against Mr Walter Stewart.
Rebellion; William Jonstoun against Johne Jonstoun.
Rebellion: Johne Smaill against Sir Thomas Kirkpatrik.
Rebellion: Thomas Lindsey against William Bannatyne.
Ryott: Adam Wallace against David M^{c}Adam.
Oppression: The Crafts of Stirling against Magistratis thairof.
Precognition against Alexander Wood and Thomas Martin.
Proces: Gordon of Bukie against Angus M^{c}Allaster for exhibiting Donald M^{c}Allaster, &c., theives.
Petition: the Magistratis of Edinburgh for ane act declaring that they had payed to the Lady Elizabeth ane certane soume of money.
Act to charge all persones who have any infeftmentis, &c., lying at the Signett, Privi or Great Seallis to louse the same within a short space.
Petitione for Robert Maxwell to have liberty, who wes confyned within Edinburgh.
Articles of agriement with Thomas Ffoullis, goldsmith, and Paull Pinto, Portugall, anent the silver mynes of Hilderstoun.
Act discharging Sir Ronald M^{c}Sorle from exacting of unlawfull custom from the tenentis in Illa.
Diligence: Andro Burgh against James Moncreiff.
Act for keiping Lent.
Rebellion: Thomas Adnistoun against the Lord Hereis

Edinburgh, 7th April 1613.

Sederunt—Bishop of Glasgow; Lynlythgow; President; Secretary; Privy Seal; Clerk of Register; Treasurer Depute; Advocate; Master of Elphingstoun; Medope; Bruntyland; Sir Johnne Arnot. Acta Oct. 1612–Nov. 1614. Fol. 30, a.

Proclamation discharging the Sheriffs-Depute of Edinburgh, Haddington, Linlithgow, and Dumbarton, the sheriffships of these counties having come into his Majesty's hands by surrender of them by the Duke of Lennox and the Earl of Abercorn, and his Majesty intending a reformed system of arrangements for all the sheriffships.

"Forsamekle as, the officeis of scherefship of the scherefdomes of Edinburgh principall and within the constabularie of Hadingtoun, Lynlythgow, and Dunbartane being surranderit, dimittit, and simpliciter gevin over to his Majestie be Ludovick, Duik of Lennox, and James, Erll of Abercorne, in whose personis the heritable richt of the saidis officeis stood and remanit, the same officeis ar now in his Majesteis handis, to be disposit of as his Majestie sall think good, lyk as his Majestie intendis with advise of his Prevey Counsell to tak some present course how the saidis officeis may be servit in all tyme comeing to his Majesteis contentment and weill of his subjectis; and whareas be dimissioun maid be the personis foirsaidis the haill deputationis flowing from thame, or utherwise procurit be whatsomevir moyen, ar become lyk wise voyd; and his Majestie being cairfull that the new intrantis to the saidis officeis sall in thair entrie find no oppositioun, questioun, nor impediment thairin, but that the placeis sall be voyde for thame, sua that thay may frielie, peaceablie, and quyetlie enter thairto at thair pleasure: Thairfoir his Majestie, with advise of the Lordis of his Prevey Counsell, hes dischairgeit and be the tennour heirof dischairges all the deputyis and uther inferiour officeris and memberis of the schireff courtis of the schirefdomes particularlie abonewrittin of all farder useing and exerceing of the saidis officeis in tyme comeing, till ordour be tane for the entrie of the new intrantis how and be whome the saidis officeis salbe servit: And ordanes letteris to be direct chargeing officeris of armes to pas and mak publicatioun heirof be oppin proclamatioun at the marcat croceis of Edinburgh, Hadingtoun, Lynlythgow, Dunbartane, and utheris placeis neidfull, quhairthrou nane pretend ignorance of the same, and to command, charge, and inhibit all and sindrie the deputyis and uther inferiour officeris and memberis of the schireff courtis particularlie abonewrittin that they nor nane of thame tak upoun hand at ony tyme efter the publicatoun heirof to use and exerce the saidis officeis, ay and quhill the said ordour be tane, dischairgeing thame thairof and of thair officeis in that pairt simpliciter be thir presentis." Fol. 30, b.

"Followis his Majesteis missive and warrand for the Act abonewrittin:—

His Majesty's warrant for the preceding Act, with nomination of persons to several of the sheriffships.

"Richt trusty and richt weilbelovit cosen and counsellour, and richt trustie and weilbelovit counsellouris, we greit you weele:—Whareas the officeis of schireffschip of Louthiane, Lynlythgow, and Dunbartane, being dimittit unto us by the Duik of Lennox and Erll of Abercorne, ar in our hand, to be disposit of at oure pleasure, we haif thoght good heirby to requyre you to cause by oppin proclamatioun discharge all deputyis and uther inferior officeris and memberis of schireff courtis in the saidis Fol. 31, a.

Acta Oct. 1612–Nov. 1614.

boundis till thay salbe of new chosen by the personis who sall from tyme to tyme exerce the saidis judicatoreis heireftir. And, haveing particularly considerit of diverse gentilmen fitt for the discharge of the saidis officeis in thair severall precinctis, we haif maid speciall choise of Mr Samuell Cockburne of Tempill for West Lowthiane, Sir James Dowglas of Spott for the constabularie of Hadingtoun, Sir Johnne Bruce of Kincavill for Linlythgow, and Buchannane of that Ilk for Dunbartane, to use and discharge the same for this yeir ensewing. And, becaus diverse and grite abuses haif bene committit in most of all the hereditary jurisdictionis, it is our pleasour that ye maturelie consult and advise upoun the best and fittest meanes how the same may be reformit, and befoir the admissioun of these new intrantis to thair office that ye particulerlie informe thame of the same. Furthermore, in respect that by this contraversie betwix the sone of the lait Lord Sanquhair and William Creichtoun of Ryhill the schireffschip of Niddesdaill standeth lykwise contravertit, it is our furder pleasour that ye send up to us the names of the most sufficient gentilmen of that schirefdome, that we may mak choise of some suche of thame as we sall think maist fitt till discharge that place till the said contraversie sall be decydit. Whiche looking to be done with all convenient expeditioun, we bid you fairweele. At Roystoun the 20th of Marche 1613."

Fol. 31, b.

Act anent the allocation to be made of the profits arising from the new impost of the wines of Leith granted to the Burgh of Edinburgh, with provision that the same should be applied for purposes beneficial to Leith.

"Forsamekle as, the Kingis Majestie being pleasit to grant and dispone to the burgh of Edinburgh ane new impost of the wynes ventit and run in the town of Leyth, with speciall provisioun that the moneyis arrysing of the same sould be imployit for the commoun benefite of the said town, and his Majestie at that tyme not haveing the occasioun to determine quhat wes the commoun benefite of the said town, and upoun quhat commoun wark the money foirsaid sould be imployit for the weill and benefite thairof, and haveing now advisit and resolvit thairupoun: His Majestie hes declarit his will thairin as followis, to wit, that the gift maid be His Majestie to his servitour Bernard Lindesay of the impost of the wynes vented and run in his awne ludgeing sall stand to him and be effectuall and inviolable conforme to the tennour thairof, and that the magistratis of the burgh of Edinburgh sall gif thair consent thairunto, provyding alwise that in the boundis exprest in the said Barnardis gift thair be no more tavernis bot four; nixt, that the benefite arrysing of the impost of the rest of the said town of Leyth salbe bestowit upoun the building of the kirk and stiple of the towne of Leyth and plenisheing thairof with bellis; whiche being done, that then the toilbuith be reparit and decorit as it becometh and aucht; and thaireftir that the said money be imployit in the building of ane hospitall; and, the hospitall being finished, that then the said money remane in all tyme comeing with the hospitall for maintennance of the same—as the declaratioun of his Majesteis will maid heiranent under his Majesteis hand, and producit this day befoir the Lordis of his Majesteis Previe Counsell, at lenth beiris. Quhilk being red, hard, and considerit be the saidis Lordis, and

thay acknowlegeing his Majesteis princelie, wise, and godlie course tane in this mater for the credite, reputatioun, and weill of the said town of Leyth, thairfoir the saidis Lordis hes allowit, and be the tennour of this present act allowis, of the declaratioun forsaid maid be his Majestie in this mater, and hes interponit and interponis thair auctoritie thairunto, ordaneing the same to be recordit in the books of Secrete Counsell, and to haif the strenth, force, effect, and executioun of ane act of Counsell in all tyme comeing." Acta Oct. 1612–Nov. 1614.

"Followis his Majesteis missive and warrant for the act abone-writtin:—

His Majesty's warrant for the preceding.

"Trustie and weilbelovit counsellour, we greit yow weele:—Whareas we ar pleasit to grant to oure burgh of Edinburgh a new impost on the wyne ventit in the town of Leyth, provyding that the money arrysing of the same sould be imployit for the commoun benefite of the said towne of Leyth, and foirasmuche as hitherto we haif not determined quhat is the commoun benefite of the said town, it is our pleasour that ye tak to your selff the Clerk of our Register and in our name joyntlie declare to the counsell of our said burgh of Edinburgh that it is our speciall pleasour that, *in primis et ante omnia*, thay yeild to our gift maid to our servant Barnard Lindesay; whiche, being gevin to him by our awne free motive, we will haif to stand to him effectuall and inviolable, provyded alwise that in the boundis exprest in his said gift thair be no more tavernis bot four. Nixt that the benefit arrysing of the impost of the rest of the said town of Leyth be bestowit on the building of the churche stiple of Leyth, and plenisheing thairof with bellis; whiche being done, that then the toilbuith be reparit and decorit as becometh and aucht; and thaireftir that the said money be imployit in building ane hospitall; whiche being finished, that it remane in all tyme comeing with the said hospitall for maintennance of the same. To these thrie last Mr Johnne Hay hath alredy consentit. It is also oure farder pleasour that upoun his own directioun you cause ane act of oure Previe Counsell be maid. And so we commend you to God. At Newmarkett, the vj Januarie 1613." Fol. 32, a.

Act prohibiting the transport of iron ore furth of the kingdom.

Certain of his Majesty's subjects, "oute of thair affectioun to the credite, reputatioun, and commoun weill of this thair native countrey, haveing interprysit the practise and making of yrne within the same, and haveing, with verie grite travellis, chargeis, and expensis, broght that work to ane ressounable good perfectioun, of purpois and resolutioun to prosequute and follow out the same work," find that they are "lyk to be hinderit and disapointit in the course and progres of the saidis workis by the frequent transport of the irne ure furth of this realme; whiche transport is now become so ordinar and commoun, alsweill in the personis of strangeris as of the borne subjectis of this realme, as thair can not be haid sufficientlie whairwith to interteny the saidis workis." The Lords of Council, accordingly, thinking that "this art and practise of making of irne is most necessar and expedient for the commonweill of the Fol. 32, b.

Acta Oct. 1612–Nov. 1614.

countrey," prohibit the transport of any kind of ore in future furth of the kingdom, and order letters for intimating the same by open proclamation both to lieges and strangers, the penalty to be confiscation of the ore and of the rest of the moveable goods of the offenders. The proclamation is to include a charge to all skippers, masters, and owners of ships, "that nane of thame ressave within thair saidis shippis and veshellis ony irne ure to be transportit furth of this realme, under the pane of confiscatioun of the saidis schipis and veschellis to his Majesteis use."

Decreta June 1612–Dec. 1613.

[Sederunt as recorded above.]

Edinburgh, 7th April 1613.

Fol. 159, a.

Complaint by the provosts and bailies of the burghs of Dunbar and Northberuik against George Knowis, burgess of Abirdene, as follows:— "Anent the rigging out of certane shippis to assist the hamebringing of his Majestie and the Quene his darrest spous frome Denmerk," the burgh of Abirdene was ordered to furnish a ship, and the expense—amounting to 3000 merks—was to be shared by the burghs of Montroise, Brechin, Dumbar, Northberuik, Elgin, Invernes, Forres, Narne, Thane, and Cullaine—the share due by the burgh of Dunbar being £36, 7s. 4d., and that due by the burgh of Northberuik being £18, 3s. 7d. The said George "wes movit and urgeit to advance the said haill sowme," and was appointed collector of the same from the burghs. "Quairupoun, and upoun ane pretendit decrite arbitrall, alledgeit gevin in this mater at the conventioun of the burrowis keipit at Abirdene" in June 1590, the said George "laitlie meanit him selff to the Lordis, and be thair deliverance procurit lettiris whairwith he hes causit chairge the saidis complenaris to mak payment to him of thair pairtis abonewrittin of the said taxt, within a certane space nixt after the chairge." Now, "it is of veritie that this taxt is maid and set doun be the provest and bailleis of the said burgh," without any "allowance" of the burghs conjoined for their support; "be the quhilk thay intend not onlie to lay the burdyn of the haill taxt foirsaid upoun the saidis burrowis and to mak thame selffis frie thairof, bot also to convert the most pairt of the same to thair awne particulair use. In respect the bark frauchted be thame at the tyme foirsaid accomplishit hir course and voyage both in passing and returning within the space of twenty dayis, for whilk voyage the remanent burrowis foirsaidis can be astrickted in no forder payment nor ane monethis fraucht—albeit the same wer equall with the fraucht of the schip riggit out be Edinburgh at the time abonewrittin (quhilk wes of a gritter birth, and fer bettir apperrellit nor the bark of Abirdene)—[quhilk] will extend onlie to aucht hundred pundis." Of this sum Dunbar should pay only £20, and Northberuik £10, *i.e.*,—£30 together. The pursuers having lodged £30 with Johnne Andro, Clerk of the Privy Council for the time, obtained suspension of the "chairge execute aganis thame" by the magistrates of Abirdene. And so the pursuers ought not to be burdened with further charges; but "for obedience" they have placed £24, 11s. in the

The magistrates of Dunbar and Northberwik against George Knowis, burgess of Aberdeen, anent the amount of the share of the burghs of Dunbar and North Berwick in the tax of 1590 for the home-bringing of King James and his bride from Denmark.

Fol. 159, b.

hands of James Prymrois, now Clerk of Privy Council, which with the previous sum will cover their share of the expenses, in case the said George Knowis "aucht to haif the same." In respect whairof the said letters and process of horning therein contained should be suspended.—Henry Lawder, bailie of Dumbar, and Thomas Lawder, bailie of Northberuik, appearing personally for themselves, and in name of the other pursuers, and the defender George Knowis, who produced the letters of horning, also appearing personally, the Lords give judgment for pursuers, and order the persons holding the above named sums to hand them over to defender. Decreta June 1612–Dec. 1613.

John Crichton of Strathurd denounced for violent deforcement of John Young, one of the Guard, in execution of his duty.

Complaint by Sir William Oliphant of Newtoun, knight, for the King's interest, and by Johnne Young, one of his Majesty's Guard, and Rachaell Bonar, daughter to the late Williame Bonar of Rossie, as follows:—Johnne Creichtoun of Strathurd having remained unrelaxed from a horning for not paying to the said Rachaell "ane certane grite sowme of money," the said John Young, as one of the Guard, had, in execution of a warrand of caption against him, gone on 8th March last to the place of Strathurd, and, "persaveing the said Johnne Creichtoun outwith the said place, drew near unto him," whereupon "the said Johnne Creichtoun fled first to ane laich house neir unto the said place, closit the duris thairof, sett out long hagbuttis at the windois thairof, and keepit the same untill sic tyme as his haill men, tennentis, and servandis convenit to him in airmes; and than he, assisted be James Creichtoun, his bruther, and Abrahame Creichtoun in Strathurd," with 40 persons, all armed with various weapons, hagbuts included, went to the "place of Strathurde, enterit thairintill, mannit the same, and keipit the said house as ane house of weare aganis the said Johnne Young; and thairwithall presentit bend pistolletis and hagbutis to the said Johnne Youngis breist," so forcing him to retire.—The Lord Advocate and pursuer for himself and in name of the said Rachaell Bonar both appearing, but defenders not appearing, the Lords order the said defenders to be denounced rebels. Fol. 160, a.

Caption against Crichton of Cluny and Crichton of Ruthvens for debt to James Dalzell.

Complaint by James Dalzell, merchant, burgess of Edinburgh, that Sir Robert Creichtoun of Cluny, knight, as principal, and Sir James Creichtoun of Ruthvenis, knight, as cautioner for him, remain unrelaxed from a horning of 18th March last for not paying pursuer 3000 merks of principal, and £300 of expenses.—Pursuer appearing by Archibald Douglas, macer, but defenders not appearing, there is order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 161, a.

Gordon of Coultfauld and others denounced for assault on Alexander Gillane.

Complaint by Alexander Gillane in Coultfauld, that on 26th December last William Watsoun in Coultfauld, son-in-law to George Gordoun in Coultfauld, and James Annand, servitor to the said George Gordoun, "both bodin in feir of weir," came, by special direction of the said George Gordoun, to the pursuer "at his awne fatheris dure in Coultfauld, quhair he wes for the tyme doing his lauchfull effairis in sober and quiet

Decreta June 1612–Dec. 1613.

maner," and there "feirslie set upoun him, and with drawne swerdis schamefullie, cruellie, and unmercifullie invaidit and perseuit him of his lyff, strak him throu the ker arme, and hurt and woundit him in divers utheris pairtis of his body, to the effusioun of his blood in grite quantitie."—Pursuer appearing personally, but the three defenders not appearing, the Lords order the defenders to be denounced rebels.

Vol. 161, b.

Caption against Andrew Wardlaw of Torrie and his sons for debt to the widow and children of Edward Edgar.

Complaint by Margaret Mitchell, relict, and Edward and Clement Edger, children and "executouris testamentaris confermit" to the late Edward Edger, merchant, burgess of Edinburgh, and by Alexander Peirsone, merchant, burgess of Edinburgh, spouse to the said Margaret Mitchell, and M^r^ Johnne Halyday, advocate, and Patrik and Edward Edger, merchants, burgesses of Edinburgh, curators to the said children, that Andro Wardlaw, elder, of Torrie, Andro Wardlaw, his son, fear thereof, and Patrik Wardlaw, his son, remain unrelaxed from a horning of 24th October 1610 for not fulfilling certain "letteris obligatoris" made by them to the late Edward Edger, and especially for not paying to them £6 for each chalder of 700 chalders of "smiddie coill," together with 500 merks as penalty "*toties quoties*, conforme to the saidis lettiris."—M^r^ Johnne Haliday, advocate, appearing personally for himself and in name of the other pursuers, but defenders not appearing, there is order to the Captain of the Guard to apprehend the said defenders, seize their houses, and inventory their goods for the King's use.

Vol. 162, a.

Action by George Corrie of Kelwood against the Earl of Cassilis and Kennedy of Garriehorne for assault and illegal imprisonment.

Complaint by George Corrie of Kelwoode that, on November last, Johnne, Earl of Cassillis, and Hew Kennedy of Garrihorne, with some servants of the earl, came about 8 in the morning to pursuer's house in Mayboill, "quhair he wes in peciable and quiet maner lyand in his bed," forced the pursuer "to ryse out of his bed and to put on his cloithis," and then violently took him out of his house. Pursuer having refused to go with them till first they gave a reason for their proceedings, "the said Hew dang the said complenair with his neiveis upoun the head, craig and sheulderis, and drew his quhinzeair, resolved to haif strikin him thairwith"; after which he was carried to the earl's "ludgeing in Mayboill," where he was kept in strait ward for 10 days.—Pursuer appearing personally, but the said Earl of Cassillis and Hew Kennedy of Garriehorne not appearing, and the depositions of certain witnesses for the pursuer being received, and a servant of the earl being heard "who compeirit to excuse his absence allanerlie" and to object to the reception of the depositions, the Lords find the case "cleirlie and sufficientlie verifeit and provin," and give order that the defenders, within six days after they be charged by an officer of arms, shall enter into ward within Edinburgh Castle, there to remain at their own expense. The Lords assoilzie the said Hew from the charge of assault.

Vol. 163, a.

Caption against William Gray of Pitscandlie and Alexander Clayhills for debt to

Complaint by William Makeane, Johnne Tailycoure, and Hercules Tailyeour, burgesses of Montroise, that William Gray of Pitscandlie, and Alexander Clayhillis, merchant, burgess of Dundee, remain unrelaxed from a horning of 11th February last for not paying pursuers these

William McKean and others.

sums, viz. :—William Gray, £6 for every boll of three score bolls "cherittit quheit aitis" and five score and two bolls of "cherittit beir," and £9 for each boll of 20 bolls "cherittit quheyte"; and Alexander Clayhillis, 724 merks of principal and £100 of expenses to the said Hercules.—Pursuers appearing by Archibald Douglas, macer, but defenders not appearing, there is order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Decreta June 1612–Dec. 1613.

Caption against David Wood for debt to Andrew Barclay.

Complaint by Andro Barclay in Ravinschaw, that David Wood, sometime in Cowdiscroce, remains unrelaxed from a horning of 11th February last for not paying pursuer 600 merks.—Pursuer appearing by Archibald Douglas, decree as above against defender for not appearing. Fol. 163, b.

Caption against Nairn of Muckarsie for debt to Rachel Bonar.

Complaint by Rachaell Bonar, daughter of the late William Bonar of Rossie, that Thomas Narne of Muckarsie, George Narne, his son and heir, as principals, and Johnne Creichtoun of Strathurd, as cautioner for them, remain unrelaxed from a horning of 29th July last for not paying pursuer £1000, together with annualrent and £200 of expenses.—Pursuer appearing by Archibald Douglas, macer, decree as above against defenders for not appearing. Fol. 164, a.

Caption against Gilbert Brown for debt to James Stratoun.

Complaint by James Stratoun, writer, that Gilbert Broun of Corbillie remains unrelaxed from hornings of 29th and 30th January last for not paying to pursuer 300 merks of principal and £50 of expenses.—Pursuer appearing by Archibald Douglas, decree as above against defenders for not appearing. Fol. 164, b.

Caption against Lord Herries for debt to the Bishop of Brechin.

Complaint by Andro, Bishop of Brechin, that Johnne, Lord Hereis, and Robert Hereis of Lawstoun remain unrelaxed from a horning of 3rd August 1612 for not paying pursuer £1155 of principal and £100 of expenses.—Pursuer appearing by Archibald Douglas, but the said Johnne, Lord Hereis, not appearing, decree as above is given against him.

Caption against Lindsay of Fairgirth and his sons.

Complaint by Johnne Lindsay in Auchinskeoche, that James Lindsay of Fairgirth, and Johnne and Williame Lindsay, his sons, remain unrelaxed from a horning of 6th March last for not "entering thair personis in waird" within the tolbooth of Edinburgh, and there remaining at their own expense till their trial for assault on pursuer.—Pursuer appearing by Archibald Douglas, decree as above against defenders for not appearing. Fol. 165, a.

Caption against Maxwell of Teling and others for debt to Edward Johnston.

Complaint by Edward Johnnstoun, merchant, burgess of Edinburgh, that Hew Maxwell of Teling, as principal, and William Gray of Pitskandlie and Robert Maxwell of Gairdin, as cautioners for him, remain unrelaxed from hornings of 1st February and 10th March last for not paying pursuer £1566, 13s. 4d., and for not fulfilling the remaining articles of the said letters of horning.—Pursuer appearing personally, and defenders not appearing, decree as above against them. Fol. 165, b.

Caption against James Paterson for debt.

Complaint by Thomas Gourlay of Kincraig, and George Patirsoun of Over Dinmure, that Johnne Patirsone, son of Mr Andro Patirsone of Fol. 166, a.

Decreta June 1612-Dec. 1613.

Hiltarvett, remains unrelaxed from hornings of 9th and 19th July 1609 for not paying pursuers £1000 of principal and £200 of expenses.—"The said pursuer" appearing by Alexander Douglas, decree as above against defender for not appearing.

Fol. 166, b.

Caption against the Lord of Scone for debt.

Complaint by Robert Hendirsone, indweller in Edinburgh, that David, Lord Scone, remains unrelaxed from a horning of 28th November last for not paying pursuer £200.—Pursuer appearing personally, decree at above against defender for not appearing.

Fol. 167, a.

Caption against Kennedy of Crugilton for debt.

Complaint by George Smaillane, indweller in Leyth, that James Kennedy of Crugiltoun remains unrelaxed from a horning of 28th December last for not paying pursuer 3150 merks of principal and 500 merks of expenses.—Pursuer appearing personally, decree as above against defender for not appearing.

Fol. 167, b.

Action by Home of Coldinghamlaw against Francis Melville, bailie-depute of Coldingham, for permitting a thief to escape.

Complaint by Patrik Home of Coldinghamelaw, that, whereas on 9th March Johne Thane, a common thief, was apprehended by Frances Melvill, one of the "baillie deputis of the barony of Coldinghame," on various charges of theft, including the stealing in April 1612 of a "gray meir" belonging to pursuer from the "commoun mure" of Coldinghame, and was committed to prison at Coldinghame, yet Alexander, Earl of Home, "baillie principall" of the "bailiary" of Coldinghame, and Robert Home, William Wardlaw, and the said Frances Melvill, his deputies, have not put him to his trial, and pursuer "is informit thay intend to put the said Johnne Thayne to libertie."—Pursuer appearing personally, and the said "baillie deputis" as defenders likewise appearing personally, "the said Frances Melvill grantit and confessit that the said Johnne was deliverit unto him, and that he causit committ him to waird, bot knew not how he eschaipit." The Lords order that the said Frances be kept in the tolbooth of Edinburgh at his own expense, "ay and quhill he present and exhibite before the saidis Lordis the said Johnne Thayne."

Fol. 168, a.

Dispute about colliery-rights between Andrew Wood of Largo and William Myretoun of Cambo.

The Lords, having heard of the "trouble and unquietnes" between Andro Wood, "appeirand of Largo," Elizabeth Lundy, his mother, Henry Makkiesoun, their servant, Thomas Staig, "coill greve," Johnne Dorkie, Thomas Wobster *alias* Smyth, Johnne Cairnis, Andro Ravatt, colliers, on the one part, and William Myretoun of Cambo, on the other part, "anent the casting and setting doun of sinckis for wyning of coillis upoun the mercheis of the landis of Fafeildis, quhilkis ar questionable betwix the saidis pairtyis, and nawyse as yitt red, marcheit, nor meithit," and that the Laird of Largo and his people had begun the said work, and that the Laird of Cambo intended to make forcible opposition, had given order for the appearance of both parties this day; and now, the said Henry Mackiesoun appearing personally, for himself, and in name of the Laird of Largo "and that haill pairty," and the Laird of Cambo

Fol. 168, b.

being personally present, the Lords remit the question "anent the meithis and mercheis" to the "judge competent," and order both the said parties to find caution in 3000 merks, and to desist from the "setting doun of sinkis" till the said caution be found.

7th April 1613. Commission for the apprehension of Thomas Johnston, at the horn for contempt of the Bishop of Brechin, and Thomas Lyon, at the horn for assisting in the said Johnston's escape.

Commission under the Signet, signed by Linlythgow, Glasgow, Johnne Prestoun, Sir T. Hammiltoun, and Alexander Hay, to Johnne, Earl of Montrois, Sir Johnne Carnegy of Kynnaird, and the Justices of Peace of the Sheriffdom of Forfar, to apprehend Thomas Johnstoun, servant of Lady Auldbar, now at the horn for his contempt of Andro, Bishop of Brechin, and also Thomas Lyoun, brother of David Lyoun of Balgillie, at the horn for not entering his person within the Tolbooth of Edinburgh for assisting the said Thomas to escape from Brechin tolbooth. Commissions. Fol. 150, a.

Commission for the trial of Alison Deans, Alison Angus, Jonet Harlaw, Agnes Smith, and Jonet Henry, suspected of witchcraft.

Commission under the Signet, signed by Lynlythgow, Glasgow, Jo: Prestoun, Sir [T.] Hammyltoun, and Alexander Hay, to Sir James Home of Coldenknowis, Sir George Home of Wodderburne, Sir Patrik Home of Aytoun, Sir Patrik Hepburne of Wauchton, Sir Alexander Hammyltoun of Innerweik, Sir William Seytoun of Kyllismure, Sir James Dowglas of Spott, and the Provost and Bailies of Dunbar, or any four of them, two of the above named barons being always of the number, to apprehend and try Alesoun Denis, relict of the late William Patersone in , Alesoun Angus in Dunber, Jonet Harlaw in Innerweik town, Agnes Smyth in Scaitraw, and Jonet Henry there, suspected of witchcraft, sorcery, enchantment, and other devilish practices. Fol. 151, a.

Sheriffships.

"That missives be writtin to the Laird of Spott, Mr Samuel Cokburne, Sir Johnne Bruce of Kincavill, and the Laird of Buquhannane, to compeir before the Counsell upon the 28 of this instant to ressave thair commissionis and instructionis anent thair officeis of schirefship within the saidis boundis." Sederunts. Fol. 71, b.

Committee for the Sheriffships.

"The Lordis nominatis the President, Secretair, Thesaurair Depute, Clerk of Register, Advocat, and Sir Alexander Drummond, to convene and meete at suche tymes as thay sall think goode, and to sett doun the instructionis to be gevin to the saidis schireffis."

Family of the late Laird of Johnston.

"That missives be writtin to the Laird of Johnnestoun his tutoris and curatoris, to the Lady Johnnestoun, his grandmother, and to the Lady his moder, desiring thame to be heir afoir the Counsell upoun the 28 of this instant to gif thair declaratioun yf thay will insist in the persute of that petitioun presented in thair names to his Majestie anent the slaughter of the laite Laird of Johnnestoun."

John Carruthers.

"Ane warrand to be past to the Gaird for the transporte of Johnne Carrutheris his wyffe, and Umphra Walker, fra the Tolbuithe of Edinburgh to the Justice Courte to be haldin at Jedburgh."

Transport to and from Ireland.

"The ovirturis maid anent the transporte of passingeris and goodis to and fra Yrland, the observationis maid thairupoun, and proclamatioun sett oute be the Deputie of Yrland, delyverit to the Erll of Abircorne and Lord Uchiltrie, undirtakaris for the Irishe Plantatioun, to the effect thay may be advisit thairwith and be reddy to gif thair opinioun thairanent to the Counsell, to the effect ane proclamatioun may be exped thairupoun."

8th April 1613. Commission for trial of Marjory Lyell, Marion

Commission under the Signet, signed by Jo: Prestoun, Sir T. Hammiltoun, Alexander Hay, Sir [G] Murray, and Sir W. Oliphant, to Sir Andro Ker of Phairnihirst, knight, Sir Johnne Cranstoun of that Ilk, Commissions. Fol. 151, b.

ommissions. ol. 152, a.

knight, George Douglas of Bonjedburgh, Nicoll Rutherfurd of Hundelie, and the Provost and Bailies of Jedburgh, or any four of them (two of the aforesaid barons being of the number), to try Marjorie Lyell, Marioun Hendirsoun, daughter of Johnne Hendirsoun in Edinburgh, and Manie Ellote, spouse of the late Douglas in Jedburgh, who are in ward in Jedburgh on suspicion of witchcraft, sorcery, enchantment, and other devilish practices. Henderson, and Mary Elliot, suspected of witchcraft.

12th April 1613.

Commission under the Signet, signed by the Chancellor, Jo: Prestoun, Sir [T.] Hammyltoun, and [Sir W.] Oliphant, to the Earl of Perth, "Stewart Principall" of Stratherne, and his deputies, to try Henry Vaus in , who was caught in the act of stealing a horse from Robert Sprewll, burgess of Glasgow, and was delivered to the custody of the said Earl. Commission for the trial of Henry Vaus for horse-stealing.

cta Oct. 612–Nov. 614. ol. 33, a.

Sederunt—Chancellor; Hammiltoun; Bishop of Glasgow; Mar; Glencarne; Lynlythgow; Kinghorne; Abercorne; Lotheane; Bishop of Caithnes; President; Privy Seal; Secretary; Justice Clerk; Clerk of Register; Treasurer Depute; Advocate; Master of Elphingstoun; Sir Alexander Drummond; Sir Johnne Arnot. Edinburgh, 28th April 1613.

"The quhilk day in presence of the Lordis of Secrete Counsaill comperit personalie James Johnnstoun of Lochwod, Dame Sara Maxwell, his moder, and Robert Johnnstoun of Recleugh, tutour to the said James; and, thay being demandit yf thay wald insist in the persut of that petitioun exhibit in thair names to his Majestie quhairby thay cravit justice to be execute upoun the lait Lord Maxwell for the slaughter of the Laird of Johnnstoun, thay declarit that thay wald insist." Declarations of The Laird of Johnston, Lady Johnston, and others in the matter of their interest in the fate of Lord Maxwell, under sentence for the slaughter of the late Laird of Johnston.

"Whareas Dame Margaret Scott, Lady Johnnstoun, by her petitioun gevin to the Lordis, shew unto thame that presentlie she is so havylie vext with diseasis and seiknes as she may not gif hir compeirance befoir the saidis Lordis to mak hir awne declaratioun anent hir purpois and resolutioun to insist in the persut of the petitioun foirsaid, and thairfoir she humelie cravit of the said Lordis that thay wald direct some of thair nombir unto hir to ressave hir declaratioun in that mater, the saidis Lordis, haveing considerit of hir petitioun, directit unto hir Alexander, Bishop of Caithnes, Alexander, Lord Kildrymmie, and Sir Richard Cockburne of Clerkington, Lord Previe Seale; who haveing past unto hir and conferrit at lenth with hir upoun that mater, and returning back agane unto the saidis Lordis, thay reportit unto the saidis Lordis that she declarit that sho wald insist in the persute of this mater according to the tennour of hir petitioun."[1]

[1] The phrase "the lait Lord Maxwell," used in the present document, must be understood in a peculiar legal sense. He was still alive at the date of this document, a prisoner in the Tolbooth of Edinburgh,—to which he had been recently committed after his daring return to Scotland from his four years of forced exile (Vol. IX., Introd., p. lxxvi); and the question was whether the sentence of death and forfeiture which had been passed upon him in his absence by the Parliament of June 1609 (Vol. VIII. p. 306 *n.*), and by

Demission by Sir William Seytoun of Kylesmure of his sheriffship of the constabulary of Haddington, with exoneration to him for his past services in the same.

"The quhilk day in presence of the Lordis of Secrete Counsell comperit personalie Sir William Seytoun of Kyllismure, knight, and, for testificatioun of his willing dispositoun to gif unto the Kingis Majestie contentment and satisfactioun in the mater underwrittin, he verie frielie and willinglie not onlie surranderit, renunceit, dimittit and *simpliciter* overgaif his office of schirefship of the constabularie of Hadingtoun, quhairin he hes servit thir xviij yeiris bigane, to the effect the persone or personis nominat be his Majestie to supplie the said office may find the place voyd and peaceablie entir thairto, but challange or clame to be movit thairinto be the said Sir William, bot with that the said Sir William promeist to assist the intrant to the said office with his best advise, counsell and informatioun in everie thing concerning that office whairin his advise and counsell sould be cravit. The Lordis of Secrete Counsaill having hard the declaratioun maid be the said Sir William tuiching the surrander and geving over of the said office, thay haif acceptit and acceptis the said dimissioun, and hes declarit and declairis the place to be voyd and free, quhairthrou the nixt intrant may peaceablie and frielie enter at his pleasour. And fordir declairis that the said Sir William, during the tyme he servit in the said office fra the first day of his entrie thairto untill this present day of his dimissioun and geving over of the same, hes verie faithfullie, dewtifullie and cairfullie, with good respect, credite and reputatioun, and without offens, scandell, or reprotche, behavit him selff in the said office, and that he hes done unto the Kingis Majestie and his subjectis good and acceptable service thairin, and thairfoir exoneris him thairof and of his dewtie in that poynt for evir be thir presentis." Acta Oct. 1612–Nov. 1614. Fol. 33, a. Fol. 33, b

Demission by Mr Robert Leirmonth of the office of sheriff-depute for Edinburghshire.

Mr Robert Lermonth, "ane of the schereff-deputis of the schirefdome of Edinburgh," also appearing personally and demitting his office, there is similar acceptance of his demission of his sheriff-deputyship, with similar exoneration to him for his past behaviour in the office.

Acceptance of sheriffships of Edinburgh, Haddington, Linlithgow, and Dumbarton, by Sir James Douglas of Spott, Buchanan of that Ilk, Mr Samuel Cockburn, and Sir John Bruce.

"The quhilk day in presence of the Lordis of Secrete Counsell comperit personalie Sir James Dowglas of Spott, Buchannane of that ilk, Mr Samuell Cockburne of Tempill, Sir Johnne Bruce of Kincavill, and acceptit upoun thame *respective* the officeis of schiref- Fol. 34, a.

virtue of which he was Lord Maxwell no longer, should now be carried into effect. Among the various crimes for which he had incurred that sentence was the treasonable murder under trust, April 1608, of his feudal enemy, Sir James Johnston of Dunskellie (Vol. VIII. p. 70 *n.*, pp. 760–766, and elsewhere by Index); and the chief difficulty in the way of any clemency to him now seems to have been the inveteracy with which the relatives of that murdered laird, and the Johnston clan generally, insisted on the execution of the punishment due to him for that old crime. As the present document shows, James Johnston, the son of the murdered laird, Dame Sara Maxwell, that son's wife, Dame Margaret Scott, the murdered laird's widow, and Robert Johnston of Recleuch, one of the chief of the Johnston kin,—all of them among the original prosecutors of Lord Maxwell in 1608 (see Vol. VIII. p. 769),—had petitioned for the execution at last of the deferred doom; and the document exhibits them as still adhering to their petition. Calderwood, while noting that the most resolute for the final revenge against Lord Maxwell were the Johnstons and their friends generally, mentions specially in that connection "Sir Robert Ker, Earle of Rochester [properly Viscount Rochester], the cheefe guyder of the Court at that tyme" (*Cald. Hist.*, vii. 177).

Acta Oct. 1612–Nov. 1614.

shippis of the schirefdomes of Edinburgh principall and within the constabularie of Hadingtoun, Lynlythgow, and Dunbartane, conforme to the severall commissionis past and expede unto thame, and maid and gaf thair solemne oath *de fideli administratione*."

A special committee of the Privy Council appointed by his Majesty for the business of rating the fines to be imposed upon resetters of the Clan Gregor, with some instructions in that business.

"The quhilk day the missive and letter underwrittin, signed be the Kingis Majestie and direct unto the Lordis of his Majesteis Prevey Counseill, contening the chois and nominatioun maid be his Majestie of some speciall personis of the Counseill to impose and sett down fynes upoun the ressettaris of the Clangregour, being presentit unto the Lordis of his Majesteis Prevey Counsaill and red in thair audience, and thay being throughlie advisit with the haill contentis of the same letter, the saidis Lordis hes allowit and allowis of the nominatioun and chois maid be his Majestie in the said mater, and authorizes the personis nominat be his Majestie with full power, commissioun, and and auctoritie to fulfill the effect and tennour of the said letter, and accordinglie to impose and sett down fynes upoun the ressettaris of the Clangregour in forme and manner specifeit thairintill; quhilk letter the saidis Lordis hes ordanit and ordanis to be insert and registerit in the bookis of Secrete Counsell, to the effect the same may haif the forme and effect of ane commissioun, warrand, and act of Counsaill to the personis thairin contenit for executing of the tennour, contentis, and effect thairof accordingly. Off the quhilk letter the tennour followis:—Richt trustie and richt weilbelovit cosen and counsellour, and trusty and weilbelovit counsellouris, we greit you weill;—As we haif evir in oure hairt detestit the barbarous insolencyis of the brokin men inhabiting oure highlandis of that kingdome, and haif haid a speciall care both befoir and since our comeing to this kingdome to represse the same, as by our commissioun and directionis gevin to the Erll of Ergyll for persute of that wicked race of ClanGregour (the verie fontayne of all these mischeifis) may well appeir, so our resolutioun is constant till persist in that point till such tyme as thay be utterlie extirpate or reducit to our obedience. And, becaus ane of the greatest impedimentis to the effecting of this work did proceid from the daylie ressett whiche these malefactouris haif haid in the heighlands and countreis nixt adjacent thairunto, the gentilmen and inhabitantis thairof furnissing thame with all necessareis to supplie thair wantis, without the punneishment of whome this service is not lyk to tak a hastie end, we thairfoir willit yow to direct commissionis for tryell of those ressettaris, that ye micht sett fynes upoun every persone according to his estait and qualitie of his offens. And, understanding that ye haif fyned sa mony as haif bene valued unto you in the tent pairt of thair habilitie, we weill allow of that course to be followit both aganis thame and suche utheris as salbe found guyltie of the lyk offens; but, becaus we wald be loath to lay a grite burdyn upoun you, in respect that ye haif bot two ordinarie counsell dayis in the weik both for doing of justice to partyis and taking ordour for the dew mannageing of our

Fol. 34, b.

rentis, we haif thairfoir thoght fitt that the fynneing of those ressettaris salbe handlit in the other dayis of the weeke by some of your nomber of whome we haif maid speciall chois for that effect, viz.: oure Chanceller, the Archbishop of Glasgow, our Secretarie, Clerk of Register, Deputy Thesaurair, and Advocat, or ony thrie of thame conjunctlie, whairof our Chanceller, the said Archbishop, or Secretarie to be alwise one: whom by these presentis we authorize with oure full commissioun for that effect, willing you by act of oure Prevey Counsell to do the lyk. And, becaus the granting of suspensionis to personis convictit and fyned for this thair ressett may frustrat our good intentioun for thair punneishment, and enforce us out of oure awne cofferris to gif the satisfactioun to the Erll of Ergyll whiche we evir thoght sould haif bene partlie supplyed by these fynes, it is oure pleasour that ye pas no suche suspensioun in tyme comeing till the same be first presentit befoir oure saidis commissionaris or ony thrie of thame as is aforesaid, and the reasonis thairof found equitable and allowit by thame, and lykwyse that ye expreslie inhibit the Lordis of our Sessioun from passing ony suche suspensionis, as materis nowise belonging unto thame, bot propperlie appertenning to the decisioun of oure Previe Counsell. And, incaice ony personis alredie convictit and fyned, or that heirefter salbe convictit and fyned, as guyltie in this point, sall pas to our horne for not payment of thair fynes, oure fardir pleasour is that ye dispose thair esheittis upoun easie compositioun to the Erll of Ergyll, or if ye sall utherwyse dispose upoun the same in favour of ony uther persone that ye first see the Erll satisfeit of the sowmes quhairin the saidis ressettaris haif bene or salbe fyned. So, willing you cairfullie to advert to all the premisses, as ye will do us acceptable service, we bid you fairwell. At Thetfoord the xjth of Marche 1613." Acta Oct. 1612–Nov. 1614. Fol. 35, a.

Charge to Sir Alexander Seytoun not to assume the title of Earl of Eglinton, to which he pretends by illegal contract with the late Earl.

"Forsamekle as umquhile Robert, Erll of Eglintoun, by a contract past betwix him and Sir Alexander Seytoun, knyght, conveyed to the said Sir Alexander not onlie all his landis and revenewis belonging to him (whiche lauchfullie he micht do), bot lykwise quhatsomever titles, honnouris, and digniteis he by vertew of his discent enjoyed,—a thing of suche noveltie and bad example as is altogidder intollerable that honnouris sould be conferrit be ony but be his Majesteis selff, who is the fontane of all honnour within his Majesteis dominionis; lyk as the said Sir Alexander doeth not onlie assome unto him selff the title and style of ane Erll, bot diverse of his Majesteis subjectis doeth gif unto him the same title, and sua altogidder misknoweth his Majestie, by whome allone the saidis titles and honnouris can be conferrit: Thairfoir the Lordis of Secrete Counsell ordanis letteris to be direct chargeing the said Sir Alexander Seytoun to compeir personaly befoir the saidis Lordis upoun the xviij day of May nixtocome, to heir and see him dischairgit of all assomeing unto him selff the style, title, and name of Erll, and that he onnawise presome, in privat companyis nor at publict meitingis of the nobilitie, to tak the place or rank of a nobleman, or ellis to schaw ane Fol. 35, b.

ta Oct. 12–Nov. 14.

ressounable cause quhy the same sould not be done, with certificatioun to him, and he failyee, the saidis Lordis will discharge in manner foirsaid."

"Followis his Majesteis missive and warrant for the act abonewrittin."

It is in terms all but identical with those of the act itself, and is dated "At Thetfourd the xiiij[th] of Marche 1613," containing an injunction to the Privy Council to see the order "with all speid performit."[1]

l. 36, a.

"Forsamekle as it is understand to the Lordis of Secrete Counsell that Alexander M[c]Cleud, bruther to Rorie M[c]Leud of Hereis, hes of lait tane and apprehendit Malcolme and William M[c]Rorie, M[c]Leudis brether, sones to umquhile Neill M[c]Cleud, callit the traytour, Murdo M[c]Ean V[c]Antagart, Malcolme M[c]Eane V[c]Antagart, and Donald M[c]Angus, who wer cheiff actouris and ringlederis in all the treasounable and rebellious attemptis committit and perpetrat upoun his Majesteis peaceable and good subjectis within the Lewis thir diverse yeiris bigane, and he hes the saidis personis presentlie in his custodie and keeping, with whome unles some good course be tane for restreaning of thair fardir misrewle and unquyetnes and retening of thame under his Majesteis obedience, thay will not faill, by thair moyen, freindschip and acquentance amangis the yllishmen, to hald the yle of the Lewis in a perpetuall trouble and disordour, and sua to frustrat and disapoint his Majesteis coursis and resolutionis for reduceing of that yle, with the remanent yllis, to a setled and perfyte quyetnes and obedience: Thairfoir the Lordis of Secrete Counsell ordanes letteris to be direct chargeing the said Rorie M[c]Cleud, and all utheris havearis, keeparis and detenaris of the personis particularlie abonewrittin, to delyver thame to Rorie M[c]Kenzie of Cogach, tutour of Kintaill, within xx dayis nixt efter the charge, to the effect the said Rorie may exhibit thame heir befoir the saidis, conforme to the directioun gevin to him thairanent, and, failyeeing thairof, that the said Rorie and all utheris hâvearis, keeparis, and detenaris of the personis particularlie abonewrittin, compeir, bring, present, and exhibit the same personis befoir the saidis Lordis upoun the day of , being Thurisday, to the effect the saidis may tak ordour with thame for thair obedience and conformitie in tyme comeing as appertynes, under the pane of rebellioun, &c., or els to shaw ane ressounable cause quhy the same sould not be done; with certificatioun to thame, and thay failyee, letteris salbe direct *simpliciter* to put thame to the horne."

Charge to Rory MacLeod of Harris to deliver up to Mackenzie of Cogach, tutor of Kintail, for production before the Council, or else to present before the Council himself, five Lewis men, who have been apprehended by his brother, Alexander MacLeod, and who have been the ringleaders in the rebellion in the Lewis for years past.

. 36, b.

"Forsamekle as the first termes payment of the taxatioun of twa

Order for the payment of the first term of the taxation of £240,000 voted in the Parliament at Edinburgh in October last.

[1] In Crawford's *Peerage of Scotland* it is explained that Hugh Montgomery, 6th Earl of Eglinton, having died without issue in 1612, "his estate, by virtue of an entail made by him, came to Sir Alexander Seton, his cousin german,"—*i.e.*, to one of the sons of Robert Seton, 1st Earl of Winton, by Margaret Montgomery, daughter of a previous Earl of Eglinton. This Sir Alexander Seton, Crawford proceeds, "changed his name to Montgomery" on acquiring the Eglinton estates; "but he could not enjoy the title of Earl without the King's special allowance,—which, soon after, his Majesty was pleased to bestow upon him, for the great merit of his ancestors."

hundrethe fourtie thousand pund grantit to our Soverane Lord in his Hienes parliament haldin at Edinburgh in the monethe of October jmvjc and xij yeiris now approcheis at the feist and terme of Witsonday nixtocome, thairfoir the Lordis of Secrete Counsell ordanis letteris to be direct chargeing all and sindrie archbishopis, bishopis, abbottis, pryoris, as lykwise all nobilmen, and utheris in quhois favour the erectioun of ony prelacie or uther inferiour benifice, or ony pairt or portioun thairof, be it in landis, teindis, or kirkis, or in quhois favour the patronage of ony benifices, kirkis or teindis is past, and all uther beneficit personis contenit in the taxt rollis, thair chalmerlanes, factouris, and intromettouris with thair rentis and levingis, to mak payment of that sowme that thay and every ane of thame ar taxt unto for the said first termes payment to Sir Gedeoun Murray of Elibank, knyght, collectour generall appointit be his Majestie for ressaving of the said taxatioun, or to his deputis and officeris in his name haveand his power to ressave the same, within twenty dayis nixt efter thay be chairgeit thairto, under the pane of rebellioun, &c.; and, yf thay failyee, to denunce and escheat, &c. As lykwise chargeing all and sindrie schireffis, stewartis, bailleis, thair deputis and clerkis, fewaris, chalmerlanes, and rentallaris of our Soverane Lordis propper landis, that thay and ilk ane of thame within the boundis of thair jurisdictiouns raise and uplift the sowme of eghtene shillingis money of this his Hienes realme of Scotland of every pund land of auld extent lyand within the boundis of thair jurisdictionis, as for the said first termes payment, and imbring and delyver the same to the said collectour, or his deputis and officeris in his name haveing his power to ressave the same, within twenty dayis nixt efter thay be chairgeit thairto, under the pain of rebellioun, &c.; and, if thay failyee, to denunce and escheate, &c. As lykwise chairgeing the provest and bailleis of ilk burgh to mak payment of the taxt and stent thairof to the said collectour generall, or his deputis and officeris in his name haveing his power to ressave the same, within twenty dayis nixt efter thay be chairgeit thairto, under the pane of rebellioun, &c.; and, yf thay failyee, &c., to denunce and escheate, &c."

Acta Oct. 1612–Nov. 1614.

Fol. 37, a.

Act allowing the Earl of Errol to leave his ward in Errol, and to go to Aberdeen and other parts of the north on important business of his, there to remain from 1st of May next to 1st of July next.

Petition by Franceis, Earl of Erroll, as follows:—"By his Majesteis speciall warrand and directioun the Lordis of Secrete Counsell causit confyne him within his place of Erroll and xij myles about the same; and he hes found cautioun under certane grite panes not to transcend the saidis boundis untill he be lauchfullie fred and relevit be the saidis Lordis; lyk as, conforme to the said ordinance and the cautioun foirsaid found be him to that effect, he hes keepit his said waird and not transcendit the boundis thairof continewallie sen the tyme he wes first ordanit to do the same. And, whareas it is of treuth and veritie that he hes sindrie weghtie affairis to be done be him within the boundis of his landis and baronyis of Slaynes in the north, and in our burgh of Abirdene and diverse utheris pairtis thairabout, at this approcheing terme of Witsounday, as namelie the payment and satisfactioun of

Acta Oct. 1612–Nov. 1614.

diverse grite sowmes of money contractit be him to be payit and delyverit be him to his creditouris at the said terme within the said burgh of Abirdene, quhilk sowmes of money he hes not besyd him, bot mone for saiftie and keeping of his credite tak the same on from uther handis within the said burgh, and in the countrey about, upoun bandis and uther securitie to be maid be him to that effect; at the doing and perfyting quhairof he mone be personalie present within our said burgh; Fol. 37, b. nather can he be absent thairfra at the said terme, leist his credite be drawin in suche dangeir as he sall not be able to recover the same without his grite hurt and prejudice." He therefore prays that, just as "afoir the terme of Witsounday last the saidis Lordis upoun the lyk reasoun licencit him to repair to the saidis north pairtis of this kingdome for doing of his saidis affairis about the same terme during a certane space mentionat in the warrand direct thairanent," so they will do again.—Having considered the petition, the Lords "hes gevin and grantit, and be the tennour heirof gevis and grantis, libertie and licence to the said Franceis, Errl of Erroll, to repair to the north pairtis of this kingdome at ony tyme efter the first day of May nixtocome, and thair to remane and abyd to the effect foirsaid unto the first day of July nixtocome," the said Earl having "found cautioun actit in the bookis of Secrete Counsell that he sall lauchfully re-entir his persone in waird agane within his said place of Erroll betwix and the said first day of July nixtocome, and sall remane and keep waird thairin, conforme to the conditionis and under the panes prescryvit and sett down in the first cautioun found be him to this effect."

Band by the Earl of Errol, and by certain cautioners of his, for his observation of the conditions on which the foregoing licence to him is granted.

Mr Umphra Blinschell, advocate, appearing as procurator for Franceis, Earl of Erroll, as principall, and the after-named persons as cautioners for him, gives in the following band; which the Lords order Fol. 38, a. to be registered in the books of Council:—"Be it kend till all men be this present letter, we, Patrik Ogilbie of Inchemartyne, elder, Patrik Ogilbie, younger, fear of Inschemartyne, Peter Hay of Meginche, William Ramsay of Mure, and William Kynman of Hill, to be bound and obleist, and be the tennour heirof bindis and obleissis us and our airis, as cautionaris and souirteis, conjunctlie and severlie, for Franceis, Errl of Erroll, that, forsamekle as it hes pleasit the Lordis of Secrete Counsell, upoun the said Erll his petitioun gevin in to thame, to grant him libertie and licence to resort and repair to the schireffdomes of Banff and Aberdeyne for some certane space, and that for ordour taking with his affairis thair at this approcheing terme of Witsounday, that thairfoir the said Erll sall, betuix the day and dait heirof and the first day of Julij nixtocome, re-entir his persone in waird within the place of Erroll within the schirefdome of Perth, and that he sall remane and keepe waird within the said place and twelff myles about, and that he sall onnawise transcend the saidis boundis quhill he be fred and relevit be the Kingis Majestie. As alsua that he sall compeir personalie befoir the Lordis of his Majesteis Prevey Counsell sa oft as he salbe lauch-

fullie chairgit to that effect upoun twenty dayis warning; and that he sall anes every oulk at leist, being in good helthe, repair to the preiching and sermonis; that he sall admitt and heir conference for his fardir instructioun; that he sall not ressett, intercommoun, nor keepe in his house ony preist, Jesuit, or excommunicat papist; that he sall commit the education of his children to nane but to these of the religioun presentlie professit and be law establishit within this kingdom; that all his future children salbe baptisit be none utheris but be the ministeris and teacharis of the trew faith presentlie professit within this kingdome, and that none bot these who ar sound of religioun salbe keepit and detenit in houshald with him; and, last, that during the tyme of his remaneing . . . . . , Fol. 38, b. intercommunioun (?) nor . . . . with the Marqueis of Huntly, nor haif intelligence with his without : under the pane of twenty thousand merkes incaise he failyee in ony point of the premissis. And I, the said Erll of Erroll, be the tennour heirof, bindis and obleisis me and my foirsaidis to warrant and releve my saidis cautionaris of the premisis, and of all paine, tryiall, skaith, and dangere that thay salhappin to incurre thairthrou for ever. And heirto we bind and obleis us and our foirsaidis; and, for the mair securitie, we ar content and consentis that thir presentis be actit and registerit in the bookis of Secreit Counsell, to haif the strenth of ane decrete of the Lordis thairof thairto, with executoriallis of horning, warding and poinding, ilk ane but prejudice of uther to pas thairupoun, and the horninge to be upoun ane simple charge of sex dayis warneing allanerlie. And for registering heirof constitutis Mr Umphra Blinschell, advocat, our lauchfull [?] procuratour. In witnes quhairof we haif subscryvit with our handis thir presentis, at Erroll and Inchmartyne *respective*, the fyrst day of May the year of God j^{m}vj^{c} and threttene yeiris, befoir thir witnessis: Alexander Davidsone, wreater; Alexander Huttoun, Johnne Blakhall, and James Fentoun, servandis to the said nobill Erll. Sic subscribitur: Erroll, W. Ramsay of Murie, Peter Hay of Meginche, W. Kynman of Hill, Patrick Ogilbie of Inchmartyne, Patrick Ogilbie, younger, of Inchmartyne. Alexander Davidsone, witnes, Archibald Huttoun, witnes, Johne Blackhall, witness, James Fentoun, witnes."

Acta Oct. 1612–Nov. 1614.

Decision in a matter of controversy between the Justices of Peace for Edinburghshire and the Burgh of Edinburgh.

"The quhilk day the Commissionaris and Justiceis of Peace within the schirefdome of Edinburgh, and the Provest and Bailleis with some of the Counsell of the burgh of Edinburgh, compeirand personalie befoir the Lordis Commissionaris appointit for decisioun of the countraverseis arrysing betuix the Justices of Peace to land and within burgh and the saidis [Justiceis of Peace, being demandit] yf thay haid ony thing [to Fol. 39, a. propone and object agan]is the passing and expeding of that [signatour grantit] be his Majestie to the burgh of Edinburgh [of the fynes] and unlawis quhilkis thay as Justiceis of Peace [w]ithin thameselffis may uplift and intromett with, the saidis [J]usticeis of Peace, efter some litle reasoning and dispute haid thairanent, declairit that thay haid

Acta Oct. 1612–Nov. 1614.

no thing to object aganis the passing and expeding of the said signatour. Quhairupoun the saidis Lordis ordanit Sir Gedeoun Murray, knyght, Thesaurair-Depute, in quhois handis the said signatour wes deponit be his Majestie, to expeid and delyver the same signatour to the Provest and Bailleis of Edinburgh, to the effect thay may pas and expeid the same accordinglie throu the seallis."

Commission to certain members of the Council for trying of the assay box of gold and silver.

Commission by the Lords of Council to Alexander, Earl of Dunfermelyne, Chancellor, Mr Johnne Prestoun of Pennycooke, President, Sir Thomas Hammyltoun of Byris, Secretary, Sir Richard Cockburne of Clerkingtoun, Lord Privy Seal, Sir Gedeone Murray of Elibank, Treasurer-Depute, Sir Alexander Hay, Clerk of Register, Sir William Oliphant of Newtoun, Advocate, Sir Johnne Arnot, and Sir Alexander Drummond of Medop, or any of them (*sic*), "to conveyne and meitt in his Majesteis cunzie-house within the burgh of Edinburgh at suche dayis and tymes as thay sall think meitt and expedient, and thair to cause oppin the assay box of the gold and silvir past his Majesteis irnis fra the day of the yeir of God j^{m}vi^{c} and fyve yeiris untill the day and dait of thir presentis, and so trye the assayis of the said gold and silver, yf the same answeris in fynnes to the actis and ordinanceis maid thairanent, and passes not benethe the graynes of remeid prescryvit in the same actis, and to report unto the saidis Lordis quhat

Fol. 39, b.

thay sall find in the premissis, to the effect the saidis Lordis . . . . . and allowance thairto according . . . . . .

Decreta June 1612–Dec. 1613.

[Sederunt as recorded above.]

Edinburgh, 28th April 1613.

Fol. 168, b.

Action by James Baldevie of that Ilk against John Ramsay and others for the abduction of his granddaughter: defenders assoilzied, and Ramsay's marriage with the said ward allowed.

Complaint by James Baldavie of that ilk, as follows:—The late David Baldavie, burgess of Monrois, having nominated pursuer tutor to Margaret Baldavie, his only daughter by Isobell Baldavie, pursuer's daughter, and having in 1598 placed the said Margaret under pursuer's care, with instructions concerning her marriage,—the said Margaret has remained with the pursuer since that date, and has been "intertenyit, educat, and brocht up be him with suche respect and cair as could be expectit frome ane loveing and kynd guidsir"; and the pursuer is "now myndit at hir majoritie" to fulfil the conditions of her father's will. Nevertheless Johnne Ramsay, son of the late Captain Ramsay in Brechin, accompanied by David Barclay and Alexander Barclay, sons of William Barclay in Monrois, with others, "all bodin in feir of weir," came, on 15th April instant, upon horseback, "neir hand the said complenairis dwelling place of Baldavie,—thay being informed that the said Margaret wes that day to repair to ane wobstair in the toun of . And, howsoone thay persavit hir on the hie way going towardis the said toun, thay addressit thame selffis to hir, and violentlie sat hir upoun horsbak behind the said Alexander Barclay, and caryed hir away with thame aganis hir will quhair thay pleasit, intending to compell hir to consent

to suche ane mariage as thay sall propone unto hir, or than to mak dispositioun of that litle provisioun left to hir be hir umquhill fader." —Pursuer appearing personally, and the said Johnne Ramsay and Alexander Ramsay appearing personally, and the said David Barclay not appearing, and the said Margaret, who appeared personally, declaring that she was not taken away against her will, but that "of hir awne propir will and motive" she left James Baldevie and came "directlie" to Doctor Kinloche in Dundie, her friend, and that "thair wes termes of mariage betuix hir and the said Johnne Ramsay, whilk scho intendit, God willing, to accomplische,"—the Lords decide in favour of the said Margaret, and assoilzie the defenders from all imputation of crime. Decreta June 1612–Dec. 1613. Fol. 169, a.

Caption against John Warrender and a number of others for not paying their dues of teind victual to Henry Wardlaw of Balmull, Queen's Chamberlain for Dunfermline.

Complaint by Henry Wardlaw of Ballmull, "chalmerlane to his Heynes darrest spous the Quene of hir lordschip of Dunfermlyne," that "Thomas Irnes in Kelly Maynis, Williame Brig thair, David Hog thair, Johnne Strang of Balcasky, Alexander Mertyne of Giblistoun Alexander Ireland thair, Johnne Pryde thair, Thomas Jak thair, James Hammiltoun of Kinbrakmonth, Robert Couper thair, Thomas Creich thair, Elizabeth Wischart, Lady Balmonth, Andro Pryd in Belstoun, Issobell Smyth thair, James Thomesoun thair, Johnne Oliphant in Baldutho, William Irnis thair, Patrik Hunter of Over Carneby, Henry Couper in Balcormo, David Fyell thair, James Pryde in Over Kellie, James Oliphant thair, Johne Oliphant, eldair, thair, Petir Oliphant, eldair, thair, Petir Oliphant, younger, thair, Johnne Watsoun thair, Johne Martyne. thair, Johnne Broun thair, Johnne Andirsoun thair, David Beanis thair, Johnne Beanis thair, Johnne Beanis, younger, thair, Andro Beanis thair, David Peblis thair, Petir Kilmanie thair, Alexander Lyell thair, David Pryd thair, Richard Stewart in Arnecreich, Andro Ireland thair, Helene Walker, relict of umquhill Johnne Law, thair, Johnne Mylne thair, William Fogow thair, Andro M^{c}Kie thair, Petir King thair, Thomas Mathie and Margaret Bell thair, Robert Dernie in Paikishoill, Johnne Warrender, portioner of Balkirslie, William Mitchell thair, David Simpsoun, eldair, in Coitis, David Routh, portioner of Newbirnetown, George Andirsoun, William Peirsoun thair, and Andro Smyth thair," remain unrelaxed from hornings of 13th and 15th April instant for not paying to pursuer as chamberlain some bolls of teind victual. —Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, order is given to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 169, b.

Caption against Robert Byres for not paying the King's tacksmen the impost on certain wines imported.

Complaint by Niniane M^{c}Morrane, Archibald Prymrois, and William Murray, "takkismen of his Majesteis customes and impost of wynis of this his Heynes Kingdome of Scotland," for themselves and for the other tacksmen, that Robert Byris, merchant, burgess of Edinburgh, remains unrelaxed from a horning of 10th September last for not paying to pursuers £3167, 8s., as "impost" on 133 tuns 3 "punscheonis" and 2 "barikines of great bind," and 25 tuns 2 puncheons, "small bind," Fol. 170, b.

Decreta June 1612–Dec. 1613.

of wine brought home by him in the year aforesaid.—Archibald Primrois appearing personally for himself and the other pursuers, decree as above against defender for not appearing.

Fol. 171, a.

Caption against William Flaebairne for debt to Thomas Young.

Complaint by Thomas Young, writer to the signet, that William Flabarne, merchant, burgess of Edinburgh, remains unrelaxed from a horning of 23rd February last for not paying pursuer £80 of principal and 20 merks of expenses.—Pursuer appearing by Mr Thomas Young, his son, and defender not appearing, there is order as above against defender.

Fol. 171, b.

Caption against William Meldrum and Lady Auldbar for debt to Alexander Dick.

Complaint by Alexander Dick, writer, and Agnes Wilkie, his spouse, that William Meldrum of Badinscott remains unrelaxed from a horning of 2nd October 1612 for "not warranding, releving, and skaithles-keiping, of the said Alexander as cautionar for him at the handis of Daniell Johnnstoun, cordinair, burges of Edinburgh," anent the payment of 500 merks of principal and 100 merkis of expenses, and of a further 100 merks mentioned in the said letter of horning; also that Dame Ewphane Douglas, Lady Auldar, and Johnne Lyoun of Auldbar, remain unrelaxed from hornings of 22nd and 26th March last respectively for not paying pursuers 2000 merks of principal and £200 of expenses.—Pursuers appearing by Archibald Douglas, macer, and defenders not appearing, order is given against defenders as above.

Fol. 172, a.

Caption against Richard Abircrombie for debt to John Nicolson.

Complaint by Johnne Nicolsoun of Leswaid, that Richard Abircromby of Poltoun remains unrelaxed from a horning of 29th March last for breach of the contract between them and others, dated 19th and 20th August 1612, and especially for "not warranding, acquiting and defending" to pursuer the lands "callit the west syde of Poltoun, with the maner place, houses, biggingis, orchardis, yairdis, hauchis, woodis, grenis, mureis, mossis, coillis, coil heuchis, and all thair pertinentis, to be frie and saif to him fra all inconvenientis," and for not paying pursuer 500 merks.—Pursuer appearing by Thomas Nicolsoun, his brother, and defender not appearing, order is given against defender as above.

Fol. 172, b.

Caption against James Balfour for debt to Thomas Fisher.

Complaint by Thomas Fischer, merchant, burgess of Edinburgh, and Cristiane Home, his spouse, that James Balfoure, servitor to the Laird of Elphinstoun, remains unrelaxed from a horning of 10th March last for not paying pursuers £110 of principal and £20 of expenses.—Pursuers appearing by Archibald Douglas, and defender not appearing, order is given against the defender James Balfour as above.

Fol. 173, a.

Caption against Robert Gray for not removing from the lands of Nether Collane.

Complaint by Williame Wallace of Nether Collane, that Robert Gray in Nethir Collane, and Majorie Broun, his spouse, remain unrelaxed from a horning of 18th September 1611 for not "flitting and removeing thame selffis, thair bairnis, servandis, familie, subtennentis, cotteris, guidis, and geir" from the lands of Nather Collane.—Pursuer appearing by Archibald Douglas, and defenders not appearing, there is order against them as above.

Caption against William Simson for debt to Nicol Kinneir.

Complaint by Nicoll Kynneir, servitor to Mr Johnne Hay of Eister Kennett, one of the Clerks of Session, that William Sympsoun in Dryburnesyde remains unrelaxed from a horning of 4th February last for not paying pursuer 500 merks of principal and £150 of expenses.—Pursuer appearing by Alexander Douglas, macer, his procurator, and defender not appearing, order is given against defender as above. Decreta June 1612–Dec. 1613. Fol. 173, b.

Caption against Isobel Boswell for not answering to a charge of assault.

Complaint by William Shortus, messenger, indweller in Dunfermlyne, that Issobell Boiswell, spouse to Patrik Halkheid, brother to Sir Robert Halkheid of Pitfirrene, remains unrelaxed from a horning of 4th November last for not appearing before the Council to answer for her assault on the said pursuer.—Pursuer appearing by Archibald Douglas, and defender not appearing, order is given against her as above.

The Earl of Cassillis against John M'Ilveane and others for riot in the bailiary of Carrick.

Complaint by Johnne, Earl of Cassillis, as follows:—In November last Johnne Kennedy of Blairquhan, on the one part, and Johnne M'Ilvane of Grummett, on the other part, having raised a tumult in the town of Mayboll, the said earl, "as ane of the nomber of his Majesteis Counsell, and as judge ordinair of that pairt of the cuntrey, and as one of the justiceis of peace within the boundis of the bailliarie of Carrik," had attempted to pacify the same, and had ordered the rioters to disperse. The said John Kennedy had obeyed most willingly; but George Corrie of Kelwood, and David Corrie, his brother, had gone to the said Johnne M'Ilvane, and, with the aid of 11 persons, "all bodin in feir of weir with swerdis, gantillatis, plaitslevis, buffil-coitis," &c., had attacked the earl and his servants, and, having driven them to their "ludgeing," had compelled the said earl "to clois the yettis thairof for halding of thame outwith the same." Moreover the said Johnne M'Ilvane and George and David Corrie had proudly refused to obey the earl's order that they should enter themselves in ward in Mayboll tolbooth till they had found cautioun; and the said George Corrie had "proudlie and avowedlie" carried the said Johnne M'Ilvane and his said brother away with him from the earl's bailie-depute.—Pursuer appearing personally, and Johnne M'Ilveane being also present, but the other defenders not appearing, the Lords find that the defenders have been guilty of "a very grite insolence and misbehavioure" in giving no heed to the said earl's "persone, place, and auctoritie," and commit the said Johnne M'Ilveane to the Tolbooth of Edinburgh, there to remain at his own expense till further order, and order that David Corrie be charged to put himself in ward there also. They dismiss the charge against the said John M'Ilvane for refusing to find cautioun, as the said John has produced an act of court of the bailiary of Carrik, signed by Olipher Ross, notary public, and clerk of the said court, showing that the said John, and George Corrie of Kelwood as cautioner, had "actit thame selfis" for Johnne Kennedy of Blaquhan and his household for 1000 merks. Further, the Lords excuse the presence of the said George Corrie, and will grant no process against him, as "he wes gone towardis his Majesteis court" before the charge was given him and "he is not as yit returnit." Fol. 174, a. Fol. 174, b. Fol. 175, b.

Decreta June 1612–Dec. 1613.

Suspension of horning against David Hart.

Complaint by David Harte, writer, that a horning raised at the instance of Harie Stewart, apparent of Gramsay, and Adam Bellindane of Stanehouse, for his not appearing before the Council to answer for an alledged assault, "is wranguslie usit and execute aganis the said complenair," inasmuch as he was not lawfully charged, neither personally, nor at his house. On this ground, and as he had found cautioun for 300 merks to appear before the Council on 22nd April and to pay his Majesty's Treasurer 20 merks "for his escheit guidis," he prays for suspension of the said horning.—Pursuer appearing by M^r James King, his procurator, and defenders not appearing, the Lords do suspend the said horning, till "the principall letteris of horning be producit," and the pursuer "be wairnit of the productioun of the same as effeiris."

Fol. 176, a.

John Napier of Merchiston, and the bailie and certain tenants of his lands of Lamreik and Ruskie, against Thomas Grahame of Bochople for insolence and oppression on those lands: defender assoilzied.

Complaint by Johnne Naper of Marcheistoun, Sir George Mushett of Burnebank, "baillie to the said Johnne Naper of his landis of Lamreik and Ruskie," Findla Spittell, Johnne Baxter, and Donnald Roy Blair, tenants of the said Laird of Marchiestoun "of certane particulair portionis of his saidis landis," as follows:—Thomas Grahame of Bochopill, "having consavit ane deidlie haitrent and malice aganis the said laird of Marcheistoun," has sought by all indirect means to execute his private grudge against the said laird. More especially, the said Grahame, "knowing that the said laird is havelie diseasit with the pane of the gute, and is unable to repaire to the saidis landis for halding of courtis thairon, and doing of justice to his poore tennentis who labouris the same," intends by open violence to lay the said lands waste. To this

Fol. 176, b.

effect (1) the said Thomas Grahame had deforced Johnne Menteith, "ordinair officer" to the said laird, in the execution of a "precept of poinding" directed by him and his bailie against the said Thomas for not paying his share of the said officer's corn; (2) in March last the said Thomas had come to the house of , "wobstar" in Calzemuk, and there "efter a verie insolent maner cuttit ane plaid pertening to the said Donald Roy in small peiceis, quhilk plaid wes than in the weveing be the said wobstar"; (3) on 6th April instant, "the said baillie haveing lauchfullie fensit ane court upoun the ground of the saidis landis in that pairt thairof callit the Bordland of Ruskie," the said Thomas Grahame, "forgetfull of that dewtifull and modest behaviour quhilk he sould have caryed at that tyme in the face of the said court and in presence of the said baillie then sittand in judgement," had violently assaulted the said Johnne Baxter, "to the effusioun of his blood in grite quantitie," had upbraided the bailie with "money injurious and reprotchfull speitcheis," and had "disdanefullie refusit to acknowledge him in ony soirte"; (4) on 9th April instant, the said Thomas "with ane lang rapper swerd" most barbarously gored and slew a horse belonging to the said Findlay Spittell, while it was pasturing at the marches of the lands of Bochoppill, "to the poore man his havie hurte, utter wraik and overthraw, he not haveing so muche geir behind."—Pursuers appearing by

Fol. 177, a.

, and defender appearing personally, the Lords give

decreet in favour of the defender, because the witnesses for the prosecution "succumbit and failyet in preving of ony point of the said complaint." Decreta June 1612–Dec. 1613.

John M°Ilveane against Kennedy of Blairquhan and others for assault: defenders assoilzied.

Complaint by Johnne M°Ivaine, younger of Grummett, as follows:—In November last, while "repoising him selff" in sober manner within the Kaitchepoole of Mayboill, he was there attacked and shamefully treated by Johnne Kennedy of Blairquhan, accompanied by Johnne M°Dougall of French, Gilbert Baird, younger, of Kilquhenzie, Johne Baird, brother german to Oliver Baird of Kilquhenzie, David Sincler in Clonachie, Thomas M°Cullie, son to Johnne M°Cullie in Clayok, Thomas Girvane in Kilbryde, Thomas Fergusoun in Glenheid, William M°Tagart at the kirk of , Johnne Sklaitter in Mayboll, James Kennedy of Brokloche, Thomas M°Ilmwn in Bogtoun. "Persaveing thay wer not able at that tyme to gett thair wicked interpryse execute aganis him," these persons "past furth of the said Kaitchpoole, and immediatelie returnit agane" to the said place, "quhair Johnne, Erll of Cassillis, wes for the tyme"; and, without any respect to the said Earl, the said Johnne Kennedy "with a drawn swerd in the ane hand and ane battoun in the uther," and the others with drawn swords, renewed the assault, and would have slain pursuer, had he not escaped "by the providence of God and his awne bettir defence." Further, the said persons made another serious attack on pursuer while he was going from the Kaitchpoole "in the convoy of the said Lord to his ludgeing."—Pursuer appearing personally, and the said Gilbert Baird, younger, of Kilquhanzie, David Sincler, Thomas M°Cullie, Thomas Girvane, Thomas Fergusoun, Johnne Sklaitter, and Johnne M°Dougall of French, appearing personally, but the other defenders not appearing, the Lords give judgment in favour of the defenders. Fol. 177, b.

Protest by Mr James Cunninghame of Montgrenan.

Protest by M^r James Cunynhame of Montgrenane, that, as he has appeared before the Council this day to answer to a complaint of Johne Craufurd of Kilbirny charging him with having on 10th September 1612 driven the tenants, cattle, and goods off certain lands of the said Craufurd, and also for having assaulted him, and as the said Johne Craufurd has not appeared to prosecute the charge, he shall not be held liable for further answer till newly warned. The Lords admit the protest. Fol. 178, a.

Commission to the Captain of Clanranald for the apprehension of Neil Oig MacNeill and others.

Commission under the Signet, signed by the Chancellor, Hammiltoun, Glencarne, Lynlythgow, and Kinghorne, to Donald M°Allane of Ylantyrum, Captain of the Clanronnold, to apprehend and exhibit before the Council Neill Oig M°Neill and Gillivane M°Neill, natural sons of Rorie M°Neill of Barray, Rorie M°Connell in , and Johne M°Allane, piper, who were put to the horn on 13th instant (see *ante*, p. 6). Commissions. Fol. 153, a.

Sheriffship of Linlithgow.

Commission to Sir Johne Bruce of Kincavell, knight, to hold the office of Sheriff Principal of the sheriffdom of Linlithgow. Fol. 154, a.

Sheriffship of East Lothian.

Commission to M^r Samuel Cokburne of Tempill to hold the office of Sheriff Principal of the sheriffdom of West Lotheane.

Commissions. Commission to the Laird of Spott to hold the office of Sheriff Principal within the Constabulary of Hadingtoun. Sheriffship of Haddingtonshire.

Commission to the Laird of Buquhannane to hold the office of Sheriff Principal within the Sheriffdom of Dunbartane. Sheriffship of Dumbartonshire.

Cederunts. Vol. 72, a. "The Lordis ordanis ane missive to be writtin to His Majestie to acquent His Majestie with thair declaratioun [anent the slaughter of the Laird of Johnnestoun], and to crave quhat forder his Majestie will haif to be done in that mater." Missive to the King.

Vol. 72, b. "That chargeis be direct aganis the haill burrowis for compeirance befoir the Counsell to heir thame decernit to mak payment of the expensis bestowit be Mr Patrik Gordoun and David Gray upoun the persute of Stercovius, who wryte that infamous libell aganis this natioun." Charge to the Burghs in the Stercovius affair.

"Ane letter to be writtin to his Majestie to acquent his Majestie quhat hes procedit in the Erll of Cassillis proces." Earl of Cassillis.

Vol. 73, a. "The Lordis appointis and assignis the xv day of Junij nixttocome to the Laird of Lundy, who hes the charge of the service aganis the Clan Gregour in the absence of the Erll of Ergyll, his bruther, to compeir befoir the saidis Lordis to gif ane accompt of the proceedingis in that service sen the last compt maid; and ordanis the landislordis of the Clangregour to be writtin for to be heir that day to heir and see the said accompt maid." The Laird of Lundy and the Clan-Gregor.

"The missive send doun to the Commissionaris of the Rentis, wherby his Majestie ordanit the infeftment of the landis of Moneone grantit in favouris of the Laird of Laueris to be stayed, wes delyverit to M^{r} Williame Broun, to the effect he may remember the Lordis when ony suche infeftment salbe presentit." The Laird of Lawers.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Johnne Carmichaell, appeirand of Maynes, and upoun his grite and solemne oathe declairit that he could gett na personis who wald become cautionaris for him for the indempnitie of George Inglis, burges of Edinburgh, and thairfoir he gaif his grite and solemne oath that he nor nane of his causing, sending, hounding oute, command, ressett, assistance, and ratihabitioun, whome he may stop or latt, sall on nawise invade, molest, harme, trouble, nor persew the said George Inglis, his men, tennentis, nor servandis, in thair bodyis, landis, takkis, possessionis, goodis, or geir, for quhatsomevir deid, caus or occasioun, utherwayes nor be ordour of law and justice, under the pane of foure hundreth merkis." Obligation by John Carmichael.

"The Lordis ordanis that the Bischop of Orknay, the fermoraris of the customes, and some special men of Orknay and Zetland salbe spokin with anent the new impoist and exactioun raised upoun the inhabitantis of the toun of Brem trafficquaris in Zetland and Orknay." Commerce with Orkney.

"That the Erll of Ergyll his chalmerlanis be spokin with anent the pryceis of the dewyteis of Kintyre, and what offer thay will mak for the same dewyteis in silver payment." Kintyre and the Earl of Argyll.

17th May 1613. Commission for the trial of Alexander Gibson, in prison for murder.

Commission under the Signet, signed by the Chancellor, Hammyltoun, Glencarne, and Bishop of Sanctandrois, to the Sheriff of Forfar and his deputies, to try Alexander Gibsone, son of the late James Gibsoun in Rottounraw in Angus, at present in the Tolbooth of Dundie, for the murder of William Kay, son of Johnne Kay in Rottounraw, on 25th March last, on the highway between Fala and Rottounraw. Commissions. Fol. 157, a.

Edinburgh, 18th [May] [1613].

Sederunt—Chancellor; Hammiltoun; Mar; Lynlythgow; Aber-corne; Lotheane; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Master of Elphingstoun; Kilsyth; Sir Alexander Drummond; Sir Jhone Arnot. Acta Oct. 1612-Nov. 1614. Fol. 39, b.

Order of Council to the Provost and Bailies of Edinburgh to see to the execution of Lord Maxwell on Friday next.

"Forsamekle as the Kingis Majestie hes signifeit his will and [pleasour] that the dome and sentence of forfaltour pronunceit be the estei[tis] of Parliament aganis the laite Lord Maxwell salbe execute and justice done upoun him accordinglie, thairfoir the Lordis of Secrete Counsell ordanis and commandis the Provest and Bailleis of Edinburgh to caus tak the said Lorde frome thair tolbuithe to the mercat croce of Edinburgh upoun Friday the nixt, the xxj of May instant, and thair to caus stryke his heade frome his body; whareanent thir presentis salbe unto thame a warrand."

"The Kingis Majesteis missive and warrand for the act abone-writtin:—

King's missive letter to the Council authorising the above order.

"Richt trustie and weilbelovit cosine and counsellour, and trustie and weilbelovit counsellouris, we grete you weel:—We haif understood that, concerning the mater of the lait Lord Maxwell, the partyis interest haif bene before you, and haif peremptorelie answerit that thay will insist in the persute of justice; but, concerning the other pairt of oure commandiment, whiche wes to do justice yf it wer requirit, we understand no thing bot a delay; which causeth us to wounder that, with a persone alreddy convictit, and by oure lawis condemned, you sould use suche defferring of the executioun of oure commandimentis. It is thairfoir oure pleasour that you proceede to the dew administratioun of justice in this caise according to the ordour, except the pairty interest require

[1] The following from Calderwood (vii. 177) has its chronological place here:—"Mr William Couper [Bishop of Galloway since July 1612, in succession to Gavin Hamilton, who had died in the preceding February] and Mr Andro Lamb [Bishop of Brechin] went up to Court in Aprile. All the Bishops,—except these who went to Court, the Bishope of Aberdeene, who was deadlie sicke [Peter Blackburn], and the Bishope of the Iles, ane aged man [Andrew Knox],—conveenned to hold a solemne Court of the Commission in St Androes. They were interteaned by Bishope Glaidstanes in the Castle; which he had repaired, and wherin now he was dwelling, where before he dwelt in a lodging in the toun." If we deduct the four absentees mentioned by Calderwood, the prelates at this meeting of the Court of High Commission in April 1613 were:—Archbishops Gledstanes and Spotswood, and the Bishops of Argyll (Andrew Boyd, who had succeeded John Campbell in March 1613), Caithness (Alexander Forbes), Dunblane (George Grahame), Dunkeld (Alex, ander Lindsay), Moray (Alexander Douglas), Orkney (James Law), and Ross (David Lindsay).

Acta Oct. 1612–Nov. 1614.

a delay or directlie plead for mercye. And with all we will and require you that in all tyme comeing in suche materis whairin we salbe pleasit to signifie oure pleasour, that you nather borrow nor len with oure commandimentis, but directlie proceid to the executioun thairof. Whiche persuading ourselff you will do, we bid you fairweill. At our pallice of Whytehall, the fourte of May 1613."[1]

Fol. 40, a.

Reconciliation between Lord Ochiltree and Lord Torthorwald, at feud since 1608 on account of the slaughter of the late Lord Torthorwald.

"The quhilk day in presence of the Lordis of Secrete Counsaill comperit personalie Andro, Lord Steuart of Uchiltrie, and James, Lord Torthorwall, for obedient satisfactioun of the chargeis rasit and execute aganis thame anent the reconsiliatioun and agreement of the feid and quarrell standing betwix thame for the slaughter of umquhile James, Lord Torthorwall, fader to the said James, now Lord Torthorwall. And, the said Lord Uchiltrie having be his grite and solemne oathe purgit him selff of all foirknowlege, arte, pairt, red or counsaill of his said faderis slaughter, and the said Lord Torthorwall being thairupoun demandit yf he wes content to accept the said purgatioun, and accordinglie to be reconsiliat and aggreit with the said Lord Uchiltrie, he declairit that, for testificatioun of his willing dispositioun in His Majesteis obedyence, and for preserving of His Majesteis goode reule and quietnes in the cuntrey, he wes content to be reconsiliat and aggreit with him, and to tak him be the hand as one altogidder innocent of the said slaughter for ony thing he yitt knew; and he promeist and swore that he, for him selff, and takand the burding on him for all those whome he is oblist to answer for be the lawis of this realme, and whome he may stop or lait, sall keepe his reconsiliatioun and agreement inviolat in ony point,—with this provisioun and conditioun, that, if on ony tyme heirefter he sall gett informatioun that the said Lord Uchiltrie wes guiltie of the slaughter foirsaid, or upoun the foirknowlege, counsaill, or devise thairof, that then he may haif libertie upoun xl dayis warning to persew the said Lord Uchiltrie be ordour of law befoir His Majesteis justice for the same slaughter of his said fader, and, yff he sall absent him selff frome his tryall, and for that cause salbe denunceit rebell and putt to the horne, that then his reconsiliatioun salbe voyde. Quhilk conditioun the said Lord Uchiltrie acceptit. Whairfoir the said Lord Torthorwall took him and his eldest sone be the hand, and promeist and swore to keep freindship with thame in maner abonewrittin."[2]

"Forsamekle as, George, Marques of Huntlie, being be speciall warrand

[1] "Upon the 21st of Maii, the Lord Maxwell was beheadit at the Mercate Crosse of Edinburgh, betuixt thrie and foure efternoone. He died confortles, having none of the ministrie present to pray for him, or to make exhortation to him or the people. He desired them not; neither was he content to receive information from them touching his religion" (Calderwood, vii. 177). See footnote, *ante*, p. 29; and for details of the history of Lord Maxwell generally, including notices of his Roman Catholicism in particular, see previous volumes of this Register by the Indexes.

[2] For the occasion and circumstances of the slaughter in the High Street of Edinburgh, 14th July 1608, of James Douglas, Lord Torthorwald, by William Stewart, one of the Stewarts of the house of Ochiltree, see Vol. VIII. p. 129 *n.*; and for incidents of the continued feud on that account between the Douglases and the Stewarts of Ochiltree see that volume and Vol. IX. by the Indexes.

Act releasing the Marquis of Huntly, by his Majesty's express command, from his band and obligation to confine himself to Strathbogie, and allowing him to attend his Majesty in England.

and directioun from the Kingis Majestie confynit and wardit within his place of Strathbogye and some certane boundis thairabout, and having found cautioun not onlie for not transcending the limitis of his prescryved abode, but alsua for observing of some other injunctionis and conditionis prescryved unto him and particularlie exprest in his said cautioun [*ante*, vol. ix. p. 585], he hes now gevin unto the Kingis Majestie contentment and satisfactioun in the mater for the quhilk he wes confynned and wardit, sua that the cause of his confyneing is removed and takin away, as His Majestie, by a letter directit unto the Lordis of His Majesteis Previe Counsell and this day presentit and red in thair audience, hes testifeit and declairit: Thairfoir the Lordis of Secrete Counsell, according to the Kingis Majesteis will and pleasour signifeit unto thame in this mater, hes fred, exonerit, dischargeit, and relevit, and be the tennour heirof freethis, exoneris, dischargeis, and relevis, the said George, Marques of Huntlie, and his cautionaris, of the act of cautionarie foirsaid, and of the haill headis, clausis, articlis, and conditionis specifeit and contenit thairintill, and declairis thame and every one of thame to be free thairof in tyme comeing." Acta Oct. 1612–Nov. 1614. Fol. 40, b.

"The Kingis Majesteis missive and warrand for the act abone-writtin:—

"Richt trustie and weilbelovit cosine and counsellour, and trustie and weilbelovit counsellours, we grete you weele:—Wheras oure right trustie and right weilbelovit cosine the Marques of Huntlie, being by our directioun commandit to remane within certane of his awne landis, wes by ane act of Counsell enjoyned to find cautioun for not transcending the limitis of his prescryved abode, the occasioun of his said confyneing being now takin away, we haif thoght [meete] by these presentis to will and require you to free and discharge him of the act of cautionarie afoirsaid, and of all headis and clausis thairin contenit. And, becaus he is, at oure speciall command and desire, shortlie to returne and remaine a certaine space with us, so as, being personalie present heir, he can not convenientlie prosequute his affairis thair, it is our pleasour that you our Chancellour discharge all proceeding in ony actioun, eyther alreddy intentit, or whiche afterwart salhappin to be intentit, aganis him during the tyme of his preparatioun to come hither, and of his aboade in this oure kingdome at our command, at least for the nixt winter sessioun. And, these premisis eirnistlie recommending unto you, we bid you fairweele. At Totnam Heigh Crosse the first of May 1613."

Appointment of Sir William Livingstone of Kilsyth to the office of Vice-Chamberlain of Scotland, because of the necessary absence in England of the Duke of Lennox, Lord Great Chamberlain.

"Forsamekle as the Kingis Majestie amangis his gretest and most important affairis being nevir unmyndful of the esteate of this his antient kingdome, the weilfair whairof is no les deare unto his Majestie then ony uther parte of his dominionis whatsomever: and, least ony thing sould be omittit in the office of chalmerlanrie of this realme by the absence frome hense and necessarie attendance on his Majestie of the Duke of Lennox, Heich Chamberlane of this realme, it hes pleasit his Majestie, oute of his experience of the worthynes and sufficiencye of his Fol. 41, a.

Acta Oct. 1612–Nov. 1614.

trustie counsellour Sir Williame Levingstoun of Kilsythe, to mak choise of him to be Vicechamberlane, to the effect he may discharge that office in all the previlegeis thairof, and supplee the absence of the said Duke of Lennox in that point: Thairfoir the Lordis of Secrete Counsell, according to the Kingis Majesteis will, pleasour and directioun signifeit unto thame in this mater, hes ressavit and admittit, and be the tennour heirof ressavis and admittis, the said Sir Williame to be Vicechalmerlane of this kingdome, and hes establissit and doeth establishe him in the office thairof, to be possest, broukit, usit and exerceit be him in all liberteis and previlegeis belonging thairunto; and ordanis him, in all ordinar meetings and uther occasionis of nominatioun, to be designit be the name of Vicechalmerlane. Lyke as the said Sir Williame being personalie present befoir the saidis Lordis, he acceptit the said place and office upoun him, and gaif his aith to administrat the said office faithfullie."

Follows "The Kingis Majesteis missive and warrand for the act abonewrittin," dated "at oure pallice of Whytehall the xvi of Aprile 1613" and expressed in terms all but identical with those of the Act itself.

Registration by order of Council of the following letter from his Majesty, and adoption of it as an Act of Council:—

Exoneration and indemity to Robert Campbell of Glenfalloch and his brother John Campbell, sons of Sir Duncan Campbell of Glenurchy, for all acts done in their service against the Clan Gregor.

Fol. 41, b.

"James R. Fforsamekle as it is understand to the Kingis Majestie and Lordis of his Majesteis Previe Counsell that Robert Campbell of Glenfalloch, and Johnne Campbell, his bruther, sones to Sir Duncan Campbell of Glenurquhy, knyght, for testificatioun of thair dewtifull affectioun and willing dispositioun to do his Majestie service, especiallie in that particulair concerning the Clangregour, whairin his Majestie wes so far tuitcheit in honnour and hes Heynes goode subjectis so far interest in thair lives and goodis, thay enterit in actioun and hostilitie aganis the said Clangregour, and with the hasaird and perrell of thair lyves hes at divers and sindrie tymes invadit and persewit thame with fyre and swerd; whairin thay haif had suche a goode and happie success as divers of these lymmaris hes bene apprehendit, slayne, and execute to the deade, and thair strenthis, forthis, housis, and starting hoillis brint and distroyit, to the conforte of mony honnest people who wer subject to the injurie and malice of the saidis lymmaris. And, the Kingis Majestie and Lordis of his Previe Counsell being nowayes willing that the saidis Robert and Johnne thair fordwartnes in the executioun of his Majesteis service aganis the said Clangregour, whilk hes producit so mutche goode effect and benefeit to his Majesteis distressit subjectis, sall infer ony huirte, prejudice, or inconvenient aganis thame, or to the personis quhatsomever who assistit and tooke pairt with thame in the said service: thairfoir his Majestie, with advise of the Lordis of his Secrete Counsell, ffindis, decernis, and declairis that the saidis Robert and Johnne Campbellis, thair assistaris and partakaris in the persute, taking, apprehending, slaying, mutilating, and exhibitioun to justice of quhatsomevir persone or personis of the name of M^{c}Gregour, thair assistaris, followaris, and

partakaris, and withe assedgeing of housis, raising of fyre, burning of thair forthis and possessionis, committing of depredatioun and heir-schipis, and useing of ony uther kynd of hostilitie aganis thame at ony tyme bigane preceding the date heirof, and in all that hes followit thair-upoun, and every circomestance thairof, hes done most faithfull, trew, and acceptable service to his Majestie, for the weele and benefit of his Majesteis liegeis, to his Majesteis honnour, and furtherance of the quyet of the countrey: authorising, allowing, and approveing the same, in everie branche, heade, and circomestance thairof, as faithfull and goode service to his Majestie, and accompting thame as faithfull and worthie subjectis in doing thairof; exonering, absolveing, and releving thame and thair airis of the same, and of all actioun and challange, criminall and civill, that may be moved thairupoun to thair prejudice for ever; dischargeing hereby all judgeis, magistratis, officiaris, and ministeris of his Majesteis lawis off all granting of ony proces, criminall or civill, in ony actioun or caus to be moved aganis the saidis Robert and Johnne Campbellis and thair foirsaidis, or thair airis, for ony thing concerning the executioun of the premisis; dischargeing thame thairof and of thair officeis in that pairt *simpliciter* be thir presentis. Gevin at the Court at Thetfoorde the xiij day of Marche j^{m}vj^{c} and threttene yeiris." Acta Oct 1612-Nov 1614. Fol. 42, a.

Edinburgh, 18th May 1613.

Sederunt—Chancellor; Hamiltoun; Mar; Linlithgow; Abircorne; Lotheane; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Master of Elphinstoun; Advocate; Kilsyth; Medop; Sir Johnne Arnote. Decreta June 1612–Dec. 1613. Fol. 178, a.

Caption against Fullerton of Craigo and others for debt to James Cochrane.

Complaint by James Cochrane, merchant burgess of Edinburgh, that William Foullertoun of Crago, Robert Gray of Craneslie, and David Lindsay, fear of Kynnetlis, remain unrelaxed from hornings of 8th, 15th, and 21st April last for not delivering to pursuer "ten score bollis aittis, nyne score bollis beir, and fourtie bollis quhyte," or else £5 for each boll of oats, £8 for each boll of "beir" and wheat.—Pursuer appearing personally, and defenders not appearing, order is given to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 178, b.

Caption against Andrew Wardlaw, younger of Torrie, for non-fulfilment of obligations to his father.

Complaint by Andro Wardlaw, elder, of Torrie, that Andro Wardlaw, younger, of Torrie, remains unrelaxed from hornings of 13th and 15th October 1612 for "not infefting and seasing of the said complenair dewlie and sufficientlie, be chairtour and seasing in dew and competent forme, in lyfrent" of the lands and barony of Inchegall, with the "maner place" and all other pertinents, as specified in contract of 13th July 1612, and for not paying to pursuer 500 merks of expenses; also that Mr Patrik Wardlaw, sometime of Pitgormow, second son of pursuer, remains unrelaxed from a horning of 19th November 1612 for not paying certain sums of money to certain persons in fulfilment of a contract by which the said Mr Patrik and pursuer had accepted the Fol. 179, a.

ecreta June 12–Dec. 13. burden of 40,000 merks, "with the annuelrent thairof," to be paid termly from Whitsunday 1609, and for not paying 5000 merks to other persons as by another contract.—Pursuer appearing by Archibald Douglas, macer, and the said Andro Wardlaw, younger, not appearing, order is given against said Andro as above.

l. 179, b. Complaint by George Logane of Bonytoun, that Johnne Hamiltoun, fear of Blair, remains unrelaxed from hornings of 22nd and 23rd April last for not paying pursuer £600 of principal and £100 of expenses.—Pursuer appearing personally, and defender not appearing, order is given against defender as above. Caption against John Hamilton for debt to George Logan.

l. 180, a. Complaint by James Dalzell, merchant, burgess of Edinburgh, as "cessionair and assignay lauchfullie constitute" by Mr Johnne Skene, son of Sir Johnne Skene of Curriehill, knight, in the sums underwritten, that Sir Robert Creichtoun of Cluny, knight, and Sir James Creichtoun of Ruthvenis, knight, remain unrelaxed from a horning of 21st April last for not paying pursuer 1756 merks of principal and £200 of expenses.—Pursuer appearing by Archibald Douglas, macer, and Sir James Creichtoun of Ruthvenis not appearing, order is given against Creichtoun as above. Caption against Crichton of Ruthvens for debt to James Dalzell.

l. 180, b. Complaint by Daniell Gairdin, skinner, burgess of Edinburgh, that Mr Robert Gairdin, at the Mylne of Tannadice, remains unrelaxed from a horning of 23rd February last for not relieving pursuer, as cautioner, of payment to David Broun, sadler, burgess of Edinburgh, of 200 merks of principal and 40 merks of expenses, and of all "dampnage, interesse, and expensis" which pursuer should sustain through the "said cautionarie."—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, order is given against defender as above. Caption against Mr Robert Gairden.

l. 181, a. Complaint by Sir William Oliphant of Newtoun, knight, his Majesties Advocate, for the King's interest, and by Sir Robert Stewart, tutor of Tracquair, for his interest, as follows:—Although the wearing of "hagbutis and pistolletis" has been prohibited by divers Acts of Parliamen, yet Sir Robert Stewart, while riding on his lands some time ago, had "persavit William Haliburtoun in Quhitrig to be walking upoun the ground of the same landis with ane lang hagbute in his hand." Feeling himself bound in duty as a Justice of the Peace "not to oversie suche ane contempt," Sir Robert had asked him the cause of such conduct, and had told him to find caution to appear before the next Quarter Session; but the defender, so far from acknowledging his offence, had pointed his hagbut at Sir Robert, "avowing to schote the said Sir Robert thairwith, gif he quarrellit him, or fand fault with his doingis." Sir Robert might have "apprehendit him, and made him fast at that tyme"; but, "to eschew all imputatioun of privat and particulair considerationis," he had let him go, "resolveing to acquent the Lordis of His Majesteis Prevey Counsaill thairwith."—Pursuer appearing personally, and defender not appearing, the Lords order defender to be denounced rebel. William Halyburtoun to be denounced for illegal carrying of fire-arms.

The weavers of Perth against the magistrates thereof for oppression.

Complaint by William Robertsoun, deacon, and Thomas Crie, Laurence Reid, James Ker, Silvester Colt, David Butter, and Johnne Forrester, "wobsteris," burgesses of Perth, for themselves and "the remanent bretherine of the said craft," that the provost and bailies of Perth, "haveing consavit ane haitrent and malice" against pursuers, have without just cause and without warrant of law or custom imposed daily "suche taxtis, burdynis, and subsideis upoun the saidis complenairis as thay ar not able to undirgo," and furthermore that the said provost and bailies had in April last apprehended pursuers, and had committed them to the tolbooth of Perth, where the said provost and bailies now detain them, and will not put them to liberty.—Pursuers appearing by the said Sylvester Colt and Laurence Reid, and the said bailies not appearing, "nor yit the saidis William Robertsoun, Thomas Crie, James Ker, David Butter, and Johnne Forrester being brocht and exhibite," the Lords order defenders to be denounced rebels. Decreta June 1612–Dec. 1613. Fol. 181, b.

Robert Erskine the King's master tailor, against the Master of Tulibardine for protecting Neill Stewart, at the horn for debt.

Complaint by Robert Erskin, "his Majesteis maister taillioure," as follows:—Neill Stewart of Innerchynnochan having remained unrelaxed from a horning of 12th March last for not paying pursuer £1000 of principal and £100 of expenses, pursuer had obtained a warrant from the Council to the Captain of the Guard to take the defender's person and goods. Two gentlemen of the Guard, viz.: James Guidlatt and David Ramsay, had gone to defender's house in the country of Athoill, on October last, but had been insolently received, and had been put "to the extreame hasard and dainger of thair lyveis" (see *ante*, vol. IX. p. 492). The defender now "hantis, frequentis, and repairis in all pairtis of the cuntrey of Athoill at his pleasour." He is "man, tennent and servand" to William, Master of Tullibardin, now Earl of Athoill and "maister landislord and commander of the cuntrey of Athoill." Pursuer holds that the Master of Tullibardin, who is "schireff, judge, and ordinair magistrat," should be held answerable for the said Neill Stewart.—Pursuer appearing by , his procurator, and the said Master of Tullibardin not appearing and the said Neill not being presented, the Lords order the said Master of Tullibardin to be denounced rebel. Fol. 182, a.

Caption against M°Culloch of Mertoun for debt to Sir John Vaus.

Complaint by Sir Johnne Vaus of Longcastell, knight, that William M°Culloche of Myretoun remains unrelaxed from a horning of 19th January instant for not observing the contract made between the late Sir Patrik Vaus of Barnebarrow, knight, father of pursuer, and the said William M°Culloch, and dated 27th October 1596, by paying to pursuer 1300 merks yearly as "dewtie of the tak and assedatioun of the landis of Mertoun," owing since the decease of pursuer's father (which took place in August 1597), and "conforme to the decrite" recovered by pursuer against defender on 7th March 1598.—Pursuer appearing by Archibald Douglas, macer, his procurator, and defender not appearing, order is given to the Captain of the Guard to apprehend defender, seize his houses and inventory his goods for the King's use. Fol. 182, b. Fol. 183, a.

Commissions. Fol. 156, b.

Commission to James, Marques of Hammyltoun, sheriff principal of Lanerik, Sir Johnne Hammyltoun of Letterick, knight, and Sir James Maxwell of Calderwod, knight, sheriff-deputes thereof, and all the other sheriff-deputes thereof, together with Bannatyne of Corhous, Johne Hammyltoun of Gilkerscleuche, Johne Hammyltoun of Udstoun, Robert Hammyltoun of Mylneburne, Mr James Hamyltoun of Cauder, and Arthour Hamyltoun of Heleis, to apprehend and exhibit before the Council William Weir, sometime in Walburne, William, George, and James Weir, his sons, and James Weir, brother of the said William Weir, elder, who were put to the horn on 17th May instant, at the instance of James Hammyltoun, son of Robert Hammyltoun, parson of Torrens, and Patrik Hamyltoun, his brother, for not finding caution for their indemnity, each under the pain of £500. The said persons "hantis, frequentis and repairis in all pairtis of the countrey at thair pleasour awaiting the occasioun of the persute of the said James and Patrik Hamyltonis of thair lyffes." Given under the Signet, and signed by the Chancellor, Mar, Lynlythgow, Abercorne, Lothiane, A. Elphinstoun, R. Cockburne, and Alexander Hay. 18th May 1603? [for 1613]. Commission for the apprehension of William Weir, his sons, and his brother.

Sederunts. Fol. 73, b.

"Ane act aganis the transporte of yrne ure." 18th May 1613. Iron Ore.

"Ane missive to be writtin to his Majestie anent the Erll of Eglintoun." Earl of Eglinton.

"Ane commissioun to Glenurquhie for preserving of his awne deir." Deer in Glenurchy.

"Ane missive to the Deputie of Yrland in favouris of George Litiljohnne." George Littlejohn.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Archibald Campbell, servitour to the Erll of Ergyll, and declairit that Patrik M^cGregour, sone to Gregour M^cNeill in Ardewnik, wes committit to warde for not finding of cautioun allanerlie, and that thair wes no cryme to ly to his charge." Patrick MacGregor.

"The Lordis appointis the Thesaurair, Clerk of Register, and Sir Johnne Arnott, to confer with the Bischop of Orknay and the fermoraris of the customes anent the new custome rased in Zetland upoun the inhabitantis of Brem traidaris in Zetland, and to reporte upoun Thurisday nixt quhat thay do find in that mater." Commerce with Shetland.

Acta Oct. 1612–Nov. 1614. Fol. 42, a.

Sederunt—Chancellor; Secretary; Treasurer Depute; Clerk of Register; Advocate [apparently the special Committee of Council appointed (*ante*, p. 31) for rating the fines to be exacted from persons found guilty of reset of any of the Macgregors]. Edinburgh, 19th May 1613.

"Forsamekle as the ressettis and supplee whilk the rebellious thevis and lymmaris of the Clangregour hes hed in divers pairtis of the incuntrey being the cheif and principall caus whilk encourageit thame to continew in thair rebellioun, and did frustrat and mak voyde the execution of all courseis, policeis, and service intendit aganis thame; and the Enumeration of persons found guilty of reset of the Clan Gregor by the Commissioners appointed for

investigation of that crime in the shires of Perth and Inverness, with specification of the amount of fine to be exacted in each case, and order for the payment of the same under pain of rebellion.

Lordis of Secrete Counseill understanding perfytelie and finding by bipast prooffis and experience in the lyke caises that no remeid wes so powerfull aganis rebellis and thevis as to cutt thame shorte of thair ressettis, whilk could not be done bot be some examplair punishement to be inflictit upoun the ressettaris: thairfoir the saidis Lordis gaif power and commissioun to some baronis and weel affectit gentilmen within the particulair boundis, schirefdomes, and stewartreis quhair the ressett, intercommouning and supplee of the Clangregour wes most frequent and ordinair, for calling of the ressettaris, supplearis, and intercommounaris befoir thame, and for trying of the said ressett, supplee, and Fol. 42, b. intercommoning, ather by the judiciall comfessioun of the pairtyis ressettaris or by deduceing of probatioun and witnesis aganis thame, and to reporte the confessionis and depositionis of the pairtyis and witnesis in write to the saidis Lordis, to the effect thay might accordinglie punishe thame, be fyneing or utherwayes, as they sould think goode, as the said commissioun at lenth beiris [*ante*, vol. IX. pp. 285–7]. According whairunto the commissionaris within the schirefdomis of Perth and Invernes, in the justice courtis haldin be thame *respective* within the burgh of Perth for the schirefdome of Perthe upoun the xiij day of Marche 1612 and within the burgh of Invernes for the schirefdome of Invernes upoun the xiij, xiiij, xv, xvj, xix, xx, xxj, xxij, xxiij, xxv, xxvj, xxvij, xxviij and 29 dayis of Aprile 1612, did call and convene befoir thame the personis particularlie undirwrittin, ressettaris, supplearis, and intercommonaris with the Clangregour, and accuisit thame upoun the said ressett, supplee and intercommoning, be a formall indytement and dittay gevin in aganis thame; quhilkis haill personis so indytit and accuisit grantit the ressett, supplee and intercommoning with the Clangregour in maner specifeit in thair depositionis, as the reportis and procesis of courte returnit unto the saidis Lordis frome the saidis commissionaris, deulie and autenticklie writtin, subscryvit, cloisit, and sealled, and this day presentit and exhibite befoir the Lordis commissionaris appointit for modifeeing of the fines of the ressettaris of the said Clangregour [*ante*, p. 31] at lenth beiris: Quhilk being oppynnit in the saidis Lordis presence, and the procesis being red, hard, seene, and considderit be thame, and thay being thairwith weele advisit, the Lordis of Secreit Counsaill ffindis and declairis that the personis particularlie undirwrittin ar guiltie and culpable of the ressett, supplee, and intercommoning with the said Clangregour, aganis his Majesteis lawis and proclamationis, in maner specifeit in the procesis returnit unto the saidis Lordis frome the commissionaris abonewrittin, beiring the judiciall confessioun of the saidis personis: And thairfoir the saidis Lordis hes decernit, adjudgeit and fyned the saidis personis particularlie undirwrittin, and everyone of thame in the soumes of money following, viz.:—Duncane Dow M^{c}Angus in Dalchrosk, in the soume of ane hundreth merkis; Johnne M^{c}Johnne Dow Uig, thair, in the soume of fiftie merkis; Johnne Ovir M^{c}Condoquhy Oig in Tullichrosk, in the soume of xx li.; Acta Oct. 1612–Nov. 1614.

Acta Oct. 1612–Nov. 1614.

Fol. 43, a.

Johnne M^cInnes V'Eanduy in Leshintullie, in the soume of xl ℔.; Bane M^cEan in Dalquhossane, in the soume of xiij ℔. vj ß. viij ₰.; Johnne M^cConnochie Douy, thair, in the soume of xx ℔.; Johnne Roy, the barone of Fandowyis bruther, in the soume of fyve hundreth merkis; Allaster M^cVoreis, thair, in the soume of fiftie merkis; Tarlich M^cEan Oig, in the soume of ane hundreth merkis; Duncane Dow M^cCondoquhy Dow Oig, thair, in the soume of fiftie merkis; Allaster Stewart in Temper, in the soume of foure hundreth merkis; Johnne Dow M^cEanhassik in Kenloche, in the soume of fiftie merkis; Donald Gaw M^cCleriche, thair, in the soume of ffourtie merkis; Donald M^cGowie, his sone, in the soume of xlvj ℔. xiij ß. iiij ₰.; George M^cEan V^cRobertis sone, in the soume of fiftie merkis; Donald M^cCadell in Duncastell, in the soume of twenty merkis; Allaster M^cThomas M^cJohnne M^cRobert, thair, in the soume of foure hundreth merkis; Johnne Steuart, sone to Allaster Steuart in Drumquheene, in the soume of twa hundreth merkis; Allaster M^cJohnne M^cRobert, thair, in the soume of ane hundreth merkis; Donald Tailliour in Achtvorsane, worth fiftie merkis; Allaster M^cJohnne Dow M^cWilliame in Tom, in the soume of fiftie merkis; Johnne Steuart in Callinsaniche, in the soume of ane hundreth pundis; John M^cIlvoir in Drumcheme, in the soume of ane hundreth merkis; the said Duncane M^cJohnne Voir, thair, in the soume of xx ℔.; David M^cVairtene, thair, in the soume of xx ℔.; Donald and Allaster Tailliouris, sones to Finla Tailliour, thair, in the soume of fiftie merkis; Johnne M^cJohnne Douy, thair, in the soume of xl ℔.; Robert M^cAndro M^cJohnne Dow, thair, in the soume of xx ℔.; Allaster Roy M^cConeill, thair, in the soume of xx ℔.; Donald M^cFinla M^cAndro, thair, in the soume of fiftie merkis; Tarlich Robertsoun in Darchellik, in the soume of ane thousand merkis; Donald Dow M^cFinla Vig, thair, in the soume of xx ℔.; Thomas M^cAllaster Dowy, thair, in the soume of xx ℔.; Neill Grant, baillie to the laird of Grant, in the soume of three hundreth merkis; Johnne M^cAllaster V^cJames in Dell, in the soume of ane thousand merkis; Gregour M^cGillespik M^cGregour, in the soume of three hundreth merkis; Patrik Grant in Tullochgorme, in the soume of ffoure hundreth merkis; Duncane Grant, youngair of Rathiemurchus, in the soume of twa thousand merkis; Johnne Steuart, barone of Kincairdin, in the soume of ane thousand pundis; Patrik M^cJokie in Culnakill, in the soume of ane thousand merkis; Johnne Grant in the toun of Abernethie, in the soume of ane hundreth pundis; James M^cQueene in Innerlednane, in the soume of twa hundreth merkis; Allaster Grant in Cromdell, in the soume of ten merkis; Williame Dunbar, thair, in the soume of ten merkis; George M^cIlreoch, burges of Invernes, in the soume of twentie merkis; Duncane M^cJames Oig Grant in Aviemoir, in the soume of c merkis; Robert Grant, bruther to the laird of Grant, in the soume of fyve hundreth pundis; Maister Patrick Grant, sometyme minister at Cromdell, in the soume of ane thousand merkis; Johnne M^cPatrik V^cJokie in Clun, in the soume of

ane hundreth merkis; Allaster Camroun, Laird of Glenneveis, in the soume of fyve hundreth merkis; Allane M^cInteoch in Inverlochie, in the soume of ane hundreth merkis; Ronnald M^cRonnald in Inche of Loichquhaber, in the soume of ane hundreth merkis; Paull M^cFersane in Lony, in the soume of ane hundreth pundis; Williame Jamiesoun in Belnacroy, in the soume of fyve hundreth merkis; Allaster M^cKechen in Lerges, in the soume of fyve hundreth pundis; Duncane M^cIntoshe, in the soume of ane hundreth merkis; Gillichallum M^cIntoshe in Ulruist, in the soume of thrie hundreth merkis; Duncane M^cConnoquhie in Inverbirny, in the soume of ane hundreth merkis; Williame M^cEan V^cWilliame in Counterland, in the soume of three hundreth merkis; Gillandreis M^cConeill V^cKinla in Balnaspik, in the soume of xx ℔.; James Gordoun in Pharlatie, in the soume of liij ℔. vj ß. viij ₰.; Duncane M^cJamie Gawy, thair, in the soume of twentie merkis; M^cJamie Moir, thair, in the soume of twentie merkis; Johnne Moir M^cAgawne in Inveruglas, in the soume of xx ℔.; Donald Dow M^cJamie Candra, in the soume of xx ℔.; Patrik Gaw, smith, in Dell, in the soume of xx ℔.; Allaster M^cConeill V^cEwir in Nutemoir, in the soume of twentie merkis; Johnne M^cEan Gawy V^cRorie in Cruben, in the soume of xx ℔.; Donald M^cEan in Cruben, in the soume of fiftie ℔.; Donald M^cFersane in Killernochie, in the soume of fiftie merkis; Williame M^cCoulduy Quean in Pittegonie, in the soume of fiftie pundis; Johnne M^cEanduy in Stromasie, in the soume of fiftie pundis; Lauchlane M^cInnes in Balladmoir, in the soume of xx ℔.; Allaster Gordoun in Kinguisbeg, in the soume of twentie merkis; Williame M^cEwne in Wester Rait, in the soume of fiftie merkis; Allaster M^cWilliame M^cConeill V^cEir, in the soume of fiftie merkis; Williame M^cConeill V^cCoull in Dunnauchtane, in the soume of fiftie merkis; Donald M^cFersane in Pittewrie, in the soume of fiftie merkis; Allaster Dow M^cThomas in Pittichairne, in the soume of twentie merkis; Williame M^cLauchlane V^cWilliame in Kerarmoir, in the soume of ane hundreth merkis; Johnne M^cFersane in Invermerkie, in the soume of twentie merkis; James M^cJames M^cPhersane in Dellatour, in the soume of fiftie merkis; Allaster Oig M^cAllaster V^cJames, in the soume of ffyve hundreth merkis; Thomas Calder in Delny, in the soume of ane thousand merkis; Johnne M^cAllaster V^cKay in Arderseyr, in the soume of ane hundreth pundis; Robert Ross in Litle Feirnes, in the soume of ane hundreth pundis; Johnne Monro of Limlair, in the soume of ane hundreth merkis; Johnne Robertsoun in Dingwall, in the soume of ane hundreth merkis; Allaster Roy M^cVeillan, thair, in the soume of fiftie merkis; Rory Dingwall, thair, in the soume of fiftie merkis; Williame Kemp, thair, in the soume of ane hundreth merkis; Donald M^cGillichoane, thair, in the soume of fiftie merkis; Johnne Kaird, thair, in the soume of xx ℔.; Gillandreis, pyper, thair, in the soume of twentie merkis; Rannald M^cEan V^cWilliame, thair, in the soume of fiftie merkis; Finla M^cEan V^cWilliame, thair, in the soume of fiftie merkis; Allaster Bayne of Logy, in the soume of ane thousand merkis; David

Acta Oct. 1612–Nov. 1614. Fol. 43, b.

Fol. 44, a.

Acta Oct. 1612–Nov. 1614.

Ros, appeirand of Balnagowne, in the soume of ane thousand pundis; Ay M^cBean V^cRobert in Knokinauld, in the soume of twa hundreth merkis; Johnne M^cEane V^cBayne M^cIlphersone in Caldwell, in the soume of ane hundreth merkis; James Innes of Inverbrakie, in the soume of ane thousand pundis; James Innes of Culrossie, in the soume of fyve hundreth pundis; Patrik M^cInteir in Balnaspik, in the soume of xx ℔.; Donald M^cJamie Gaw, in the soume of twentie pundis; and Angus M^cJamie Gaw, in the soume of xx ℔. And ordanis letters to be direct, chargeing the personis particularlie abonewrittin to mak payment of the soumes of money abonespecifeit, ilkane of thame for thair awne pairtis as is abone divydit, to his Majesteis Thesaurair, and ressavearis of his Majesteis rentis, or to suche utheris as hes right to the same be gift or dispositioun maid to thame thairof be his Majestie, within fyftene dayis nixt efter the charge, under the pane of rebellioun, &c., and, yf thay failyee, to denunce, &c. and to escheit, &c."

Fol. 44, a.

Sederunt — Chancellor; Bishop of Sanctandrois; Hammiltoun; Lynlythgow; Abircorne; Blantyre; President, Secretary; Privy Seal; Treasurer Depute; Master of Elphinstoun; Justice Clerk; Clerk of Register; Advocate; Kilsyth, Vice-Chamberlain; Sir Alexander Drumond; Sir Johnne Arnott. Edinburgh, 20th May 1613.

Warrant to the Master Cunyeour to coin the clippings of gold and silver found in possession of Walter Geddie of St. Andrews.

Order to the master cunyeour and other officers of the cunyiehous "to prent in his Majesties coyne the haill clippingis of gold and silver, being in the said maister cunyeouris handis, quhilkis wes challangeit and apprehendit in the possessioun of Walter Geddie, citiner of St. Androis, the saidis clippingis kepand the just and trew fynnes accordinglie."

Fol. 44, b.

Charge to the prelates, lords of erections, and other beneficed persons in all the shires to produce on certain specified days the authentic taxed rolls of their benefices, with a view to the rectification of anomalies complained of in the levying of general taxations on the lieges.

"Forsamekle as divers complaintis hes bene maid be a number of oure Soverane Lordis goode subjectis anent thair unequall stenting in sindrie taxationis that hes bene raisit of laite yeiris for his Majesties service and commoun affairis of this realme;—some left untaxt more able to pay nor thay that ar taxt presentlie; some becaus that the taxationis whilkis sould be payit be the prelattis and freehaldaris thame selffis is laid upoun the poore labouraris of the ground; some becaus they ar burdynnit with far greitar releif to the prelattis and benefeceit personis nor of equitie and reasoun they aucht, and pairtlie becaus of the alteratioun throw erection of some pairt of the kirk rentis in temporall doingis;—upoun whilkis complaintis a generall opinioun is setled in the hairtis of a grete pairt of his Heynes subjectis, and the same by commoun brute spred abroade, that in the bigane taxationis grantit to his Majestie thair hes beene double alsmekle lifted and collectit in the cuntrey as the soume grantit unto his Majestie did extend to. Ffor remeid quhairof in tyme comeing, the Estaitis of Parliament laitlie convenit in the moneth of October last bipast did gif full power and commissioun to a certane nomber of prelattis, noblemen, commissionaris of shiris and burrowis, and officeris of estate; who accordinglie did call befoir thame

the haill schireffis, steuartis, and baillies within this kingdome, did trye and examine thair taxt rollis quhairby thay haif lifted the bigane taxationis, and haif takin so goode a course thairin as nather sall his Majestie be defraudit heirefter of the taxation dew to be payit to his Heynes oute of the temporall haldin of his Majestie nor his people wronged be ony deid of the saidis schireffis, steuartis and baillies: And, seeing that, for removing of all just complaintis that may be maid heireftir be the fewaris, vassallis and takkismen of kirkmen, and purgeing of the same kirkmen of injust imputationis that may be gevin oute aganis some of them anent thair unequall divisioun of thair taxationis, it is necessair that the lyke course be tane with thame for productioun of the taxt rollis of thair beneficeis and lordshippis, the Lordis of Secreit Counsaill ordanis letteris to be direct chargeing all and sindrie archebischoppis, bischoppis, and utheris beneficeit personis contenit in the taxt rollis, and all noblemen, baronis, and utheris in whose favour ony particulare or uther pairt of kirk rentis in haill or in parte ar erectit, to compeir personalie, and bring and produce befoir the Lordis of Secreit Counsaill, on the particulair dayis eftir specifeit, the taxt rollis of everyone of thair particulair beneficeis and erectit lordshippis, autentiklie maid and subscryvit, conforme to the ordour prescryvit be the said act of Parliament;—thay ar to say, the prelattis and lordis of erectioun and utheris beneficeit personis within the schirefdomes of Orknay, Invernes, Cromartie, Narne, Elgine and Fores, upoun the first day of July nixtocome; the prelattis, lordis of erectiounis, and utheris beneficeit personis within the schirefdomes of Abirdene and Banff, upoun the first day of July nixtocome; the prelattis, lordis of erectionis, and utheris beneficeit personis within the schirefdomes of Kincardin, Forfar, Perthe, and Stewartrie of Stratharne, upoun the xxiiij day of June nixtocome; the prelattis, lordis of erectionis, and utheris beneficeit personis within the schirefdomis of Fyffe, Kinross, Clackmannane, Striviling, and Steuartrie of Menteithe, upoun the xvij day of June nixtocome; the prelattis, lordis of erectionis, and utheris beneficeit personis within the schirefdomes of Lanerk, Renfrew, Dunbartane, Ergyll, Bute and Air, and baillieris of Kyll, Carrik, and Cunynghame, upoun the xxiiij day of June nixtocome; the prelattis, lordis of erectionis, and utheris beneficeit personis within the schirefdomes of Wigtoun, Drumfries, and Steuartries of Kirkcudbricht and Annanderdaill, upoun the xxiiij day of June nixtocome; the prelattis, lordis of erectionis, and utheris beneficeit personis within the schirefdomes of Lynlythqw, Edinburgh, Hadingtoun, Beruik, Roxburgh, Selkirk, Peblis, and baillerie of Lauderdaill, upoun the 24th day of June nixtocome: And that intimatioun be maid to the saidis prelattis, lordis of erectionis, and utheris beneficeit personis that the same taxt rollis ar to be produceit and delyverit be thame upoun thair aith of veritie solemnelie sworne that the same ar the just and treu rollis according to the quhilkis thay cause charge thair vassallis for releif of the same taxatioun, contening every particulair manis name subject to ony pairt

Acta Oct. 1612-Nov. 1614.

Fol. 45, a.

Acta Oct. 1612–Nov. 1614.

of thair releiff, with the soume that he sould pay, and the cause quhairfoir he sould pay the same: And that the saidis prelattis, lordis of erectionis, and utheris beneficeit personis be chargeit to the effect abonewrittin under the pane of rebellion, &c., with certificatioun, &c."

Act prohibiting the currency of foreign copper coin.

The Lords of Council, "haveand consideratioun of the grite hurte and inconvenient which the commounweele of this kingdome will sustene yf ony foreyne coyne of copper salbe tollerat to haif course or passage within the same," forbid henceforth "the course and passing of all coyne of

Fol. 45, b.

copper within ony parte of this kingdome, except suche copper coyne as hes bene past his Majesteis yrnis in the cunyeehous of this kingdome by speciall warrand and auctoritie frome his Majestie and the Esteatis and Counsell of this kingdome." There is to be proclamation accordingly, charging all the lieges "that nane of thame presome nor tak upoun hand to bring within this kingdome frome whatsomevir parte any kynd of copper coyne, nor to wissill or gif oute the same in paymentis nor na uther way," under pain of being called to account and punished with all rigour.

Charge to the Sheriff of Berwick to take a certain criminal off the hands of the Justices of Peace for the shire.

A certain James Masone, "borne at Bannaburne besyde the burgh of Striviling," having on the of April last been "apprehendit rid hand with a fang of thift within the boundis of the schirefdome of Beruick be one of the constablis within the same boundis," and having been "presentit be him to his Majesteis justiceis of peace within the boundis of the said schirefdome at thair last meeting and quarter sessioun haldin within the toun of Duns," the said justices had then "committit the said theif to warde within the tolbuithe of the toun of Duns." He has been there ever since "upoun the chargeis and expensis of the saidis justiceis of peace"; and, though they have divers times presented him for regular trial to the sheriff-principal of Berwick and his deputes, as ordinary judges in such cases within their bounds, "yitt thay refuisit and still refuisis, and on nowayes will accept the said theif af the saidis

Fol. 46, a.

justiceis of peace thair handis." There is now, therefore, order to the said sheriff-principal and his deputes, under pain of rebellion, to receive the said James Masone within three days after the next presentation of him and to keep him in ward till he is duly tried.

Commission to certain of the Council to consider and report on an overture of the Marquis of Huntly concerning the coining of some copper.

"The Lordis of Secreit Counsaill gevis and grantis commissioun to Alexander, Erll of Dunfermelyne, Chanceller, George, Archiebischop of Sanctandrois, James, Marques of Hammiltoun, Alexander, Erll of Lynlythgow, James, Erll of Abircorne, James, Bischop of Orknay, the President, Secretair, Thesaurair Depute, Clerk of Register, Advocat, and Sir Johnne Arnott, or ony sevin of thame, the Chanceller and Thesaurair Depute being twa, to convene, meete, and confer upoun that ovirtour maid to his Majestie in name of the Marques of Huntlie tuitcheing some quantitie of copper coyne to be coyned in this kingdome, and upoun the expediencie and inexpediencie of that mater, and to call befoir thame the officaris of the cunyeehous, and to heir thair opinioun and advise thairanent, and to reporte unto the saidis Lordis quhat thay find meete to be followit oute in that mater."

Edinburgh, 20th May 1613.

[Sederunt as recorded above.]

Decreta June 1612–Dec. 1613. Fol. 183, a.

James Innes and George Souter against James Robertson for assault.

Complaint by James Innes, messenger, and "citiner" of Brechin, and George Sowter, in Brechin, as follows:—The said messenger, and the said George Sowter as one of his witnesses, having gone on 5th November last to the burgh of Montroise, to charge James Robertsoun, burgess of Montroise, to confirm the "testamentis of umquhillis Chairlis Beatie and Susanna Richie," and having executed the charge, the said James Robertsoun, armed with a sword, "quhinzeair," and other weapons, had fiercely attacked and maltreated the complainers, had wounded the said George Sowter "in the hand in twa severall pairtis thairof," and had given the said messenger "sindrie strykis and woundis" to the great effusion of blood.—The pursuer James Innes appearing personally, for himself and for George Sowter, and the said defender likewise appearing personally, the Lords give judgment in favour of the defender.

Caption against two MacLellans for debt. Fol. 184, a.

Complaint by Johnne Murray, servitor to David, Lord Scone, that Thomas M°Clellane, brother of James M°Clellane of Mylnetoun, and Harbert M°Clellane of Gregorie, remain unrelaxed from a horning of 11th March 1609 for not paying to pursuer £164 of principal and £60 of expenses.—Pursuer appearing by Johnne Duff, his procurator, and defenders not appearing, order is given to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Caption against Alexander Livingston for debt.

Complaint by Michaell Sandirsoun "of the toun of Beruik" that Alexander Levingstoun of Hanyng remains unrelaxed from a horning of 23rd August last for not paying to pursuer £72 of principal and £18 of expenses.—Pursuer appearing by James Reule, his procurator, and defender not appearing, the Lords give order against defender as above.

Caption against William Wood of Balblane for debt. Fol. 184, b.

Complaint by James Couper, and Catherine Clerk, his spouse, indwellers in the burgh of Bruntisland, that William Wood of Balblane remains unrelaxed from a horning of 26th February last for not paying them 210 merks of principal and £40 of expenses.—Pursuers appearing by the said Catherine Clerk, and defender not appearing, order is given against him as above.

Captain Sinclair against his nephew, the Lord Sinclair, for oppression and intended assault: action continued. Fol. 185, a.

Complaint by Sir William Oliphant of Newtoun, knight, for the King's interest, and Captain Laurence Sinclair, uncle of Patrik, Lord Sinclair, as follows:—The said Patrik, Lord Sinclair, and David Waddell, his servant, had gone on 1st April last to the captain's house in the town of Dysart; and there the said Lord had sent his said servant to the gate of the said house "with speciall command and directioun that, how soone he gat the yet oppin, to stand in the yet quhill the said Lord his maister come and enterit thairin, of purpois to have slane the said capitane"; which would have been done, "wer not ane servand woman of the said capitanes, who, persaveing the said Lord Sinclair comeing with a hagbute in his hand direct to the said capitanes house, cuist to the yett, and held the said Lord and his said servand furth

Decreta June 1612–Dec. 1613.

thairof." The said Lord and his servant had also committed other acts of oppression on the captain and his spouse, as specified in the complaint given in.—The Lords continue the action and give order for witnesses to be summoned.

Fol. 185, b.

James Forbes of Lethindy denounced for assault on Gilbert Johnston.

Complaint by Gilbert Johnnstoun, *alias* Cardrum, in Lethintie, that James Forbes of Lethintie, "with his complices," came to pursuer's house in Lethintie on 15th September last, and "with battonis schamefully and unhonnestlie strak and dang him upoun diverse pairtis of his body, and left him for deid."—Pursuer appearing personally, and defender not appearing, the Lords order defender to be denounced rebel.

Caption against James Gray for debt to John Aslowan.

Complaint by Johnne Asslowane, servitor to David Flesher, writer to the signet, "assignay lauchfullie constitute" by Waltir Murray, "chalmerlane of the Priorie of Sanctandrois," by deed dated 10th February 1611, that James Gray, Provost of Langforgound, remains unrelaxed from a horning of 25th October 1609 for not paying pursuer £4 for each boll of 19 bolls of oats yearly, during 1605, 1606, and 1607, as principal, and £6 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, order is given to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 186, a.

Caption against James Preston for debt.

Complaint by Patrik Striveling, servitor to the late James, Lord of Balmerinoch, that James Prestoun in Culrois remains unrelaxed from a horning of 22nd January for not paying pursuer £151, 13s. 4d. of principal and £20 of expenses.—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order against defender as above.

Fol. 186, b.

Protest of the Earl of Crawford in the matter of the action against him by Rhynd of Carse.

David, Earl of Crawfurd, appearing personally, protests against the letters raised against him by Sir William Oliphant, knight, for the King's interest, and Johnne Rynd of Carse, Alexander Rynd, his brother, and William Rynd, his servant, for his not having appeared before the Council on a certain day to answer a charge of having gone with armed accomplices on 24th April last to the said Johnne Rynd's house of Cars, and having there seriously wounded the said John, his brother, and his servant, besides other acts of oppression against the same.—The said John Rynd, his brother, and his servant not appearing, and the said Earl "being ready to have answerit the said letteris," the Lords sustain the protest of the Earl that he shall not be "haldin to answer forder to the saidis letteris."

Commissions. Fol. 155, a.

Commission for the apprehension of certain Highlanders suspected of cattle-stealing.

Commission under the Signet, signed by the Chancellor, Hammiltoun, Linlithgow, Abircorne, Lothiane, A. Elphinstoun, R. Cokburne, and Alexander Hay, to the Sheriff of Striveling and his deputies to apprehend and exhibit before the Justice M^{c}Coull V^{c}Mater, servant of Johnne Dow M^{c}Paull V^{c}Cleriche, and Callum M^{c}Ewir V^{c}Neill in Edinchip at the head of Locheerne, who are suspected of theft and resset, of "imbringing of leale menis goodis and outputting of trew menis geir in thifteous

maner," to wit nine "piece" of ky and oxen from Duncane Jonstoun in Cultirhuiff and William Squyre there. Commissions.

Commission for the apprehension of Allan McAllaster VcAngus and others, at the horn for murder and fire-raising.

Commission under the Signet, signed by the Chancellor, Hammiltoun, St. Androis, Linlithgow, Abircorne, Blantyre, and A. Elphinstoun, to Rorie McKenzie of Coigach, tutor of Kintale, Rorye McClewd of Dunveggane, and Johnne Grant of Frewchy, to apprehend and present to justice Allan McAllaster VcAngus in Kilchoan in Knoydort, Allaster McAllaster, his brother, there, Donald McAngus McAllan in Sandok, Ronald McAngus McAllane, his brother, there, Angus McAngus, his brother, there, Alexander Oig in Innergizeran, Ronald Roy in Ardinsletherache, Angus McAllane Roy in Crobling, Alexander McAllan Roy, his brother, in Knoydert, Johnne McRorie there, and Duncane McRorie, his son, who remain unrelaxed from a horning of 16th April last, at the instance of Marie Nine Angus Roy, relict, Ronald McAngus, son, and the remaining kin of the late Ronald McAngus Gear in Neogart in Knoydert, for failing to find caution to appear before the Justice for the murder of the said Ronald; and also from a horning of the same date, at the instance of Donald McAngus of Glengarrie and the King's Advocate, for not finding caution to appear before the Justice for going by night, armed with daggs and pistollets, to the lands of Lagane Achindrum in Glengarrie, the property of the said Donald, and there setting on fire the houses and destroying them together with all their plenishing. Fol. 155, b.

Earl of Cassillis.

"The Erll of Cassillis relevit of his warde for fyftene dayis allanerlie upoun cautioun for his reentree within that space, keeping of warde within the toun in the meantyme, and lying nightlie within the Castell." Sederunts. Fol. 74, a.

Edinburgh, 25th May 1613.

Sederunt—President; Secretary; Privy Seal; Treasurer Depute; Advocate; Sir Johnne Arnott. Acta Oct. 1612–Nov. 1614. Fol. 46, a.

Anent a quarrel between the Lords of Scone and Burley.

"Forsamekle as, informatioun being maid to the Lordis of Secreit Counsell of some grudge and miscontentment standing betwix the Lordis of Scone and Burley, and of some discontentit and hett speecheis past this day betwix thame, and thay being bothe broght befoir the saidis Lordis and severalie examinat yf thair wes ony suche grudge amangis thame, or yf ony suche speecheis past betwix thame, thay bothe declairit that thair wes no grudge, and that no querrelous speecheis past betwix thame; lyke as the said Lord of Scone purgeit himself be his oathe that he had no quarrell nor grudge aganis the said Lord of Burley; and, the Lord of Burley being desirit to gif the lyke declaratioun and purgatioun, he wes not so cleir and free in that poynte as the uther wes: quhairby it wes persavit and undirstoode be the saidis Lordis that the personis foirsaidis stoode not in goode termes of freindschip: Thairfoir the saidis Lordis ordanis thame to gif thair grite and solemne oathe that thay sall not quarrell nor challange ane another be worde, write nor message, that thay sall send no challange nor ressave no challange the Fol. 46, b.

Acta Oct. 1612–Nov. 1614.

one frome the other, and, yf ony challange salbe directit frome the one to the uther, that the pairtie challangeit sall refuise the challange and reveill the same to the saidis Lordis; and ordanis thame to find cautioun for this effect and for observatioun of his Majesteis peace, ather of thame under the pane of ten thousand merkis. And, whereas the said Lord of Burley excuisit him selff that he could not presentlie gett cautioun, seeing the personis whom he wes to imploy in that errand wer oute of the towne, thairfoir the saidis Lordis ordanis him to act him selff under the pane of xx^{m} merkis for observing of the conditionis of this present act, and that he sall keepe his ludgeing within this burgh quhill he find the said cautioun, under the pane of x^{m} merkis."

Incident in the same quarrel.

"The quhilk day, after that the Lordis of Prevey Counsaill wer dissolvit, and that the Lordis of Scone and Burley wer dimittit, his Majesteis Thesaurair Depute and Advocat went in to a meeting of the Heich Commissioun of the Kirk, and being thair sitting with the Archiebischop of Sanct Androis and some utheris commissionaris of the Kirk, the said Lord of Burley send ane servand and desyrit of new to be hard upoun some materis quhilkis had fallin out sen his lait being afoir thame. And, audience being grantit unto him, and his Majesteis Secretair send for to heir quhat the said Lord of Burley had to say, he declairit that afoir he wes convenit this day befoir the Counsell he hed writtin and directit ane letter to the Lord of Scone, and, so sone as he wes dimitit be the Lordis, he send to seik his servand to haif tane the letter frome him and to haif distroyit the same; bot, or he could find his servand, he had delyverit the letter to the Lord of Scone. Quhilk declaratioun being hard be the Lordis, thay ordane the Lord of Burley to act him self under the pane of xx^{m} merkis that he sall keepe his ludgeing within this burgh, and not come furthe thairof quhill he be fred be the Counsell."

Fol. 47, a.

Edinburgh 27th May 1613.[1]

Sederunt—President; Blantyre; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Kilsythe, Vice-Chamberlain; Sir Alexander Drummond; Sir Johnne Arnott.

More in the matter of the quarrel between the Lords of Scone and Burley: the Lord of Burley committed to ward.

"The quhilk day Michaell, Lord Balfour of Burley, being broght and exhibite befoir the Lordis of His Majesteis Counsaill be the lieutennent of his Majesteis gaird, who wes directit and send to bring him befoir thame, and he being examinat and demandit upoun what occasioun he had writtin and directit ane letter to the Lord of Scone, aganis his promeis, oathe, and act maid to that effect, he excuisit himself that the letter wes writtin and directit be him yisterday afoir he wes broght befoir the Counsell, and, howsone he wes dimittit be the Counsell, he send to seik his servand, to haif tane the letter frome him and to haif distroyit

[1] Probably a mistake for 26th July; under which date the same entries occur in the Book of Sederunts.

the same, bot the letter wes delyverit to the Lord of Scone afoir he could meete with his servand. Being demandit quhairfoir he conceallit the said letter yisterday, when he wes befoir the Lordis, answerit that it wes ane turpitude and reprotche to him to haif confessit the letter, seeing he had declairit that thair wes no quarrell nor grudge betwix the Lord of Scone and him. Demandit quhat wes the contentis of the letter, answerit it wes not ane challange, and that he could not challange him, seeing yisterday he had refuisit his challange, and that the letter contenit onlie that the Lord of Scone had utterit some fals and untrew speecheis aganis him to the Kingis Majestie, and that he wes ane leyare. Quhilk declaratioun maid be the said Lord of Burley being hard and considderit be the Lordis of Secreit Counsaill, and thay being thairwith weele advisit, the Lordis of Secreit Counsaill, all in ane voce, ffindis and declairis that the said Lord of Burley hes committit ane verie grite offence and oversight in directing and sending of suche ane infamous letter to the said Lord of Scone, who is one of his Majesteis Previe Counsaill, and in the concealling of the said letter when he wes first examinat thairupoun in presence of the saidis Lordis; and thairfoir ordanis the said Lord of Burley to be committit to warde within the Castell of Edinburgh, thairin to remane upoun his awne expensis ay and quhill he be fred and relevit be the saidis Lordis. Lyke as he wes delyverit to the lieutennent of the gaird to be caryit to his said warde." Acta Oct. 1612–Nov. 1614.

Lord Balfour of Burley being in ward, his caution cancelled.

"Forsamekle as Michaell, Lord Balfour of Burley, is now be warrand and directioun of the Lordis of Secreit Counsell committit to warde within the Castell of Edinburgh, thairfoir the saidis Lordis exoneris, freethis and relevis him of the act quhairby he actit him selff under the pane of twentie thousand merkis that he sould remain and keepe warde in his ludgeing quhill he wer fred and relevit be the saidis Lordis; ordaning the said act to haif no force, effect, nor executioun heirefter." Fol. 47, b.

Edinburgh, 27th May 1613. "Ante meridiem."

Sederunt — Chancellor; Bishop of Sanctandrois; Lynlythgow; Bishop of Orknay; Blantyre; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsythe, Vice-Chamberlain; Sir Alexander Drummond; Sir Johnne Arnott.

Resolution of the Council anent a proposal to license the coining of 10,000 stone weight of copper.

"The quhilk day, the Lordis of Secreite Counsaill having at grete lenthe conferrit and reasouned upoun that ovirture and propositioun maid to his Majestie anent the coyneing of ten thousand stane weght of copper and upoun the offer of xl^{m} li. maid to his Majestie for the licence and previlege thairof [*ante*, p. 57], the Lordis all in ane voice ffindis that the coyneing of suche ane quantitie of copper upoun the conditionis and offer specifeit in the said letter will infer far greitair hurte, prejudice, and inconvenient to the commounweele nor ony proffeitt or commoditie that may thairupoun result to his Majestie, especiallie becaus strangearis, and the native subjectis of this kingdome who ar of a per-

Acta Oct. 1612–Nov. 1614.

verse humour and dispositioun, will not faill, upoun hoip of gayne and proffeit whiche will aryise upoun that coyne, to counterfute the same, and so fill the cuntrey full of suche base unworthie drosse. Alwayes, for the ease and benefeit of the poore, who ar so far prejudgeit of the cheritie and almous of the people throw default of small money, the Lordis ffindis meete, yf so it sall pleis his Majestie, that twa hundreth stane weght of copper salbe coyned, in twa penny peeceis, of suche a weght and proportioun as no gayne nor commoditie salbe had thairof bot so mutche as may defray the workemenis wageis; and ordanis ane missive to be writtin heiranent to his Majestie."

Fol. 48, a.

Sederunt — Chancellor; Bishop of Sanctandrois; Hammiltoun; Glencairne; Lynlythgow; Kinghorne; Abircorne; Scone; Blantyre; Cranstoun; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Kilsythe, Vice-Chamberlain; Sir Alexander Drummond; Sir Johnne Arnott.

Edinburgh, 27th May 1613. "Post meridiem."

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Sir Robert Dalyell of that Ilk, and acceptit upoun him the office of schirefship of the schirefdome of Drumfreis, and gaif his oath *de fideli administratione.*"

Sir Robert Dalzell accepts the sheriffship of Dumfries.

Petition to the Lords of Council by Robert Maxwell, "sone lauchfull to umquhill Johnne, Lord Maxwell," as follows:—"Upoun the first adverteisment of the arryvaill of the laite Lord Maxwell, his bruther, within this kingdome, he freelie and willinglie, without citatioun, come in to the saidis Lordis, for eshewing of all mater and suspitioun of unlauchfull practizing with his said bruther." It had then "pleasit the saidis Lordis, upoun some considerationis notour and knawin to thame selffis, to confyne him within this burgh and the Cannogaitt; quhair he hes preceislie keept the boundis of his confyneing and hes nawayes transcendit the limitis theirof bot insofar as he had warrand and permissioun frome the saidis Lordis." And now, "since the caus of his confyneing is removit and tane away be the deceis of his said bruther [*ante*, p. 44]," he humbly desires that he may be liberated.—The Lords agree, and "be the tennour heirof freethis and relevis the said Robert Maxwell of his said warde, and grantis libertie and licence to him to pas quhair he pleis, nochtwithstanding the saidis Lordis ordinance maid anent his confyneing."

Act liberating Robert Maxwell, brother of the late Lord Maxwell, from his confinement.

Fol. 48, b.

Representation to the Lords of Council by Johnne Gordoun of Newtoun, as follows:—"It being the saidis Lordis pleasour to freethe and releive him of his warde within the Castell of Edinburgh, quhair he remanit for the tyme, upoun cautioun fundin be him that betuix the date of that cautioun and the feist of Witsonday now bigane he sould conforme him selff to the religioun presentlie professit within this

Act in favour of John Gordon of Newton, under excommunication for his nonconformity.

realme, satisfie the Kirk, and obtene him self relaxt fra the proceis of excommunicatioun led aganis him, or then that he sould depairt and pas furthe of this realme, and, failyeeing thairof, reentir his persone in warde within the said castell under a certane pane mentionat in the act maid thairupoun," he had, immediately after going home, "delt and travellit verie eirnistlie with the brethrene of the exercise of Gariauche, that thay wald confer with him, and resolve him of such doubtis and contravertit headis as he standis in doubt of. Bot thay altogidder refuisit to haif ony dealing or conference with him, without a warrand from the Archiebischop of Sanctandrois, in regaird of the excommunicatioun whiche he undirlyis; and so, he finding no meanis to haif conference with thame, he resolved, according to that point of his cautioun, to haif depairtit furthe of this realme. Bot it pleasit God so to visite him with seiknes, conjoyned now to his greit aige, that he had not strenthe nor habilitie of persone to interprise and undirtak that course; and thairfoir, for releiff of his cautionaris, he came heir in dew tyme to this burgh, addrest him selff to the Castell of Edinburgh upoun the xxj of this instant, and thair offerit him selff willing and reddy to haif reenterit, according to the conditioun of his cautioun. Bot the constable wald not ressave his entrie, althoght he shew unto the constable the act of cautioun fundin be him to that effect, becaus he wantit ane warrand direct unto him for his ressett in warde. And so his not resolutioun and conformeing of him selff to the religioun procedit not upoun ony obstinacie in him, bot upoun the refusaill of the ministerie, to confer with him, as said is." Having considered this representation, and "seeing he is ane ageit man, havelie diseasit with seikness, and wald verie faine be at ane point with the Kirk yf possiblie thay may gif him ony light in his doubtis," the Lords "dispensis with the said Johnne Gordoun his entrie in warde within the said Castell of Edinburgh, and commandis and ordanis him to addresse him selff to the burgh of Abirdene, and to remane and keepe warde within the said burgh and a myle about the same, and not to transcend the boundis thairof, quhill the feist and terme of Martymes nixtocome; and in the meantyme ordanis him to confer with suche of the ministerie as salbe appointit be George, Archiebischop of Sanctandrois, to confer and reasoun with him for resolveing of him in suche headis of his religioun quhairof he standis in doubt; and that he outher satisfie the Kirk and obtene him self relaxt fra the proceis of excommunicatioun led aganis him betwix and the said terme of Martymes nixt, or els that he remove and depairt furthe of this kingdome and not returne agane within the same without his Majesteis licence; and, failyeeing thairof, that he enter his persone in warde within the Castell of Edinburgh and thairin remane and keepe warde and not eschew furth thairof quhill he be fred and relevit be the saidis Lordis. And ordanis him to find cautioun actit in the bookis of Secreit Counsaill ffor observing of the conditionis particularlie abonewrittin of this present act, under the pane of three

Acta Oct. 1612–Nov. 1614. Fol. 48, b.

Fol. 49, a.

ta Oct. 12–Nov. 14.

thousand merkis. And siclyke the saidis Lordis intreatis the said George, Archiebischop of Sanctandrois, to gif his warrand to suche of the brethrene as he sall think meete to confer with the said Johnne Gordoun, nochtwithstanding the proceis of excommunicatioun whilk he presentlie underlyis."

creta June 2–Dec. 3. . 187, a.

Sederunt—Chancellor; Bishop of Sanctandrois; Hamiltoun; Glencarne; Lynlithqw; Abircorne; Kinghorne; Scone; Blantyre; Cranstoun; Master of Elphinstoun; President; Secretary; Privy Seal; Justice Clerk; Advocate; Clerk of Register; Vice-Chamberlain; Sir Alexander Drummond; Sir Johnne Arnote. Edinburgh, 27th May 1613.

Complaint by Sir William Oliphant of Newtoun, knight, for the King's interest, that James Stewart, "callit James of Jerusalem," who had been apprehended and committed to ward on several charges of treason for hearing mass, and for resett of Jesuits, seminary priests, and "excommunicat trafficqueing papistis," and who had consequently been brought before George, Archbishop of Sanctandrois, and the Lords of the High Commission of the Kirk, had, on being "a litle removit quhill some advise had bene tane anent his forder examinatioun," made his escape.—The Lord Advocate appearing personally, and defender not appearing, the Lords order defender to be denounced rebel. James Stewart, "callit James of Jerusalem," denounced rebel.

Petition by Johnne Gordoun of Newtoun anent his obedience to the order of the Council. [Duplicate of Act on p. 63.] John Gordoun of Newtoun.

187, b.

Petition for release from ward by Frances Melvill, "baillie depute" of Coldinghame, on the ground that Johnne Thayne (*ante*, p. 27) has been committed by him to prison "for some new pointis of thift," and is now in the tolbooth of Edinburgh.—The Lords grant the petition, and relieve him and his cautioner of all penalty. Release of Francis Melvill, bailie-depute of Coldingham.

Complaint by M^r^ Henry Andirsoun, Chairlis Pollok, Andro Grant, and William Williamsoun, bailies of the burgh of Perth, that William Robertsoun, deacon, Thomas Crie, Laurence Reid, James Ker, Silvester Colt, David Butter, and Johnne Forrest, "wobsteris," burgesses of Perth, had wrongously obtained a decree of the Council against present pursuers (*ante*, p. 50). Complainers plead that "the differences standing at this tyme" between the provost, bailies, and "haill counsaill" of Perth and the said "wobstaris," arising out of "the saidis wobstaris thair obstinacie and disdanefull refuising to mak payment of thair pairtis of the taxatioun lauchfullie imposit," had been "referrit be mutuall consent to indifferent personis to have bene quieted and tane away," and that therefore complainers "could nevir have apprehendit that the saidis personis, within the tyme prescryvit for satling of the said mater, wald have insistit in the persute thairof before the saidis Lordis, especialie seing that nane of the saidis personis ar detenit in the said waird, bot thay ar all at libertie." That the present pursuers did not then appear was "not upoun ony contempt, bot upoun Again in the matter of the dispute between the magistrates of Perth and the weavers of that burgh.

189, a.

thair simple mistaking that the saidis personis wald haif insistit in the persute of the said actioun at the tyme foirsaid, quhanas the same wes to have bene freindlie satled." Therefore, and because pursuers had found cautioun to appear before the Lords this day, and to present the said persons, "incaice it be found that they aucht to do the same," in the sum of 500 merks for each person, the late decree of Council ought to be suspended.—The said M[r] Henry Andirsoun, Andro Grant, and William Williamsoun appearing personally for themselves and other pursuers, and all the said defenders likewise appearing personally, the Lords, "in respect the saidis wobstaris ar at libertie," do suspend the aforesaid decree. Decreta June 1612-Dec. 1613.

Caption against John and Agnes Bellenden for debt to Adam Montgomery.

Complaint by Adam Montgomerie, merchant, burgess of Edinburgh, that Agnes Bellindane, relict of James Bellindane of Pendreich, and Johne Bellindane, now of Pendreich, her son, remain unrelaxed from a horning of 28th November 1612 for not paying pursuer £142, 5s. 3d. of principal and £20 of expenses: also that said defenders remain unrelaxed from a horning of 18th March last for not paying pursuer £382, 3s. 2d. and £10 of expenses, and 40s. "consignit silver payit to the Lordis collectour."—Pursuer appearing personally, and defenders not appearing, there is order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 189, b.

Caption against Sir Robert Scott of Thirlstane for non-payment of taxes.

Complaint by William, Earl of Mortoun, sometime Lord of Melroise, and M[r] Johnne Home, chamberlain to Johnne, Viscount Hadingtoun, now Lord of Melrose, that Sir Robert Scot of Thirlstane, knight, remains unrelaxed from a horning of 7th November last for not paying to pursuers the following sums "for thair releiffis of the taxationis of the said lordship": viz. to the Earl of Mortoun £12, "for the first and secund termes payment of the taxt of his landis of Eskdaill Mure," as granted to the King in July 1606, £5, 7s. 6d. for the lands and teinds of Etterik, "imposit thairon in the taxatioun grantit for supporte of Dumbertane," and £3 for the said lands in Eskdaill for the same taxation; and to the said M[r] Johnne Home £12 from the said lands of Eskdaill, for the third and fourth terms of the aforesaid tax of July 1606.—Pursuers appearing by Johnne Hunter, their procurator, and defender not appearing, the Lords give order against defender as above. Fol. 190, a. Fol. 190, b.

Caption against William Innes, and a number of others, for debt to Crichton of Lugton.

Complaint by David Creichtoun of Lugtoun, executor of the late Patrik Creichtoun, his brother, "who wes equall portionair of the victuall undirwrittin," and by William Nicolsoun, for himself and as "conjunct partiner" in the victual with the said Patrik, that William Innes of Kynedward, James Wyisman, eldair, there, James Wyisman, younger, there, Johnne Winchester there, Alexander Alshunder there, Johnne Dick in Muretoun, Gilbert Andirsoun there, James Innes there, Johnne Paull in Scotfauld [Stotfauld ?], Henry Winchester there, Petir Robertsoun there, Andro Schand in Ettlis, William Simpsoun there, James Shand, younger, in Ballormie, Alexander Mitchell there, Alexander Alves Fol. 191, a.

Decreta June 1612-Dec. 1613. Fol. 191, a.

in Ardvey, Johnne Simpsoun there, Patrik Dunbar of Conzie, Johnne M^cIntosche of Darzeild, and William M^cIntosche of Borlune, remain unrelaxed from hornings of 30th June and 22nd and 23rd January last for not paying pursuers the following sums:—the said William Innes, James Wyisman elder, James Wyisman younger, Johnne Winchester, Alexander Alshunder, Johnne Dick, Gilbert Andirsoun, James Innes, Johnne Paull, Henry Winchester, Petir Robertsoun, Andro Schand, William Simpsoun, James Schand, Alexander Mitchell, Alexander Alves, and Johnne Simpsoun, 7 score bolls "cherittit beir," or £10 for each boll, and £25 of expenses (to be equally divided between pursuers); the said William M^cIntosche, 850 merks of principal, and £100 of expenses, to the said William Nicolsoun; the said Johnne M^cIntoshe £1566, 12s. of principal, and 800 merks of expenses, to the said William Nicolsoun; and the said Patrik Dumbar, 770 merks of principal and 200 merks of expenses to the said William Nicolsoun.—Pursuers appearing by Archibald Douglas, macer, and defenders not appearing, there is decree as above against defenders.

ol. 191, b.

ol. 192, a.

The magistrates of Kinghorn for modification of a decree of Council obtained against them by James and David Boswell.

Complaint by the "bailleis, counsale, communitie, and inhabitantis" of the burgh of Kinghorne, that James and David Boiswell, brothers to Sir Johnne Boiswell of Balmowto, knight, and Thomas Heich, their tenant in Craigincat, had wrongously obtained a decree of Council by which the present pursuers were ordered to find cautioun for 1000 merks not to molest the said persons and their tenants. The cautioun craved and the terms mentioned in the said decree are "very hurtfull and prejudiciall unto the haill estaite and body of the said burgh, and may drawe thame in mony dangeris [and] inconvenientis, insofer as mony accidentis may fall out betuix the saidis personis and some privat man of the said toun for particulair querrellis and grudgeis of thair awne quhilk nowyse concerneth the commoun caus," and "so may draw thame under the dainger of the said cautionarie," though "reason and equitie cravis that nothing infer a brek aganis thame of the said cautionarie bot that quhilk is done in the commoun caus of the towne, and assistit and commandit be the haill toun." Therefore, and because pursuers have found caution "for obedience," the said letters of horning should be modified.—M^r Robert Cunynghame and Johnne Kirkaldy, bailies of Kinghorne, appearing personally for themselves and the other pursuers, and the said James and David Boiswell appearing personally for themselves and the said Thomas Heich, the Lords grant the craved suspension, and remit "the interpretatioun of the said cautioun to the Lordis of Counsaill and Sessioun, judgeis competent thairto, as accordis of the law."

nmissions. . 158, a.

Commission of the peace within the sheriffdom of Kincardin to the Earl of Dunfermlyng, the Archbishop of St. Androis, the Earl Merschell, the Lords of Privy Council, the Senators of the College of Justice, the Lairds of Leyis, Pittarro, Wattertoun, Dunypace, Arbuthnot, Glenbervie, Lourestoun, Balmayne, Thornetoun, William Forbes of Portlethin, and Johne Keith of Cowtoun. Signed by the Chancellor.

Commission of the peace for Kincardineshire.

27th May 1613. Commission to Sir Robert Dalzell of the sheriffship of Dumfries.

Commissions. Fol. 158, a.

Commission, signed by the Chancellor and Sir T. Hammiltoun, to Sir Robert Dalzell of , knight, to hold the office of Sheriff-Principal of Drumfreis, now in the King's hands by the death of Robert, Lord Creichtoun of Sanquhar, and by reason of the dispute between the late Lord Creichtoun and William Creichtoun of Ryhill anent the Lordship of Sanquhair and the office of Sheriff of Drumfreis.

27th May 1613. Commission to Glenurchy for the trial of poachers in Mamlorne Forest.

Fol. 158, b.

Commission to Sir Duncane Campbell of Glenurquhy, knight, to apprehend and try the persons who destroyed game in the forest of Mamlorne, of which Sir Duncan is keeper. The forest is surrounded by his lands; and it is most likely that the destruction has been committed by some of his own tenants or servants. Signed by the Chancellor, Hammiltoun, St Androis, and Glencarne.

27th May 1613 *post meridiem.* James Stewart.

Sederunts. Fol. 76, a.

"Ane warrand past to the Justice to putt James Steuart, presentlie in warde within the Tolbuithe of Edinburgh, to the knowledge of ane assise for the crymes of incest and adulterie committit be him."

Alexander Gibson.

"Ane commissioun of justiciarie to the schireff of Forfar and his deputies aganis Alexander Gibsoun for the slaughter of Williame Kay."

Lord Balfour of Burley.

"The Lordis haveing hard the petitioun gevin in be the Lord of Burley, quhairby he craved to be hard in that mater for the whiche he is wardit, to the effect he may justifie him self and interprete his awne doingis, the Lordis ordanis him to be hard the nixt Counsall day."

Edinburgh, 1st June 1613 'ante meridiem.'

Acta Oct. 1612–Nov. 1614. Fol. 49, a.

Sederunt—Chancellor; Bishop of Glasgu; President; Blantyre; Secretary; Master of Elphinstoun; Clerk of Register; Advocate; Sir Alexander Drummond.

Act concerning the expenses of Lord Ochiltree in his expedition to the Isles in 1608, and in the proceedings consequent on that expedition.

"The Lordis of Secreit Counsaill, commissionaris nominat and appointit be his Majestie for the mannageing of his Majesteis rentis, having hard the accomptis gevin in be Andro, Lord Steuart of Uchiltrie, his Majesteis Lieutenent for the tyme over the Ylandis of this Kingdome, contening the chargeis, expensis and debursementis allegeit maid and sustenit be him in that service, and thay haveing comprisit and drawne thir accomptis to the particulair headis following, viz.,—anent the nomber of men of weare listed for that service, the tyme of thair service and monethlie pay, the chargeis of thair transporte to and fra the yllis, the chargeis and expensis of his awne houshald, and the intertenying and keeping of the house of Dunnyvaig,—and thairwithall the saidis Lordis haveing examined some warrandis and actis of Counsaill maid and sett doun at the undirtaking of this service, quhairby the nomberis of men of weare then appointit to be listed for that same service, thair monethlie pay, and the chargeis of thair transporte wes verie particularlie prescryved and sett doun; thair being alsua ane uther act maid and sett doun in the moneth of May 1609 quhairby his Majesteis Counsaill allowit unto the said lieutenent ten thousand pundis in contentatioun of the haill chargeis, expensis, and what els he could crave in that service:

Fol. 49, b.

Acta Oct. 1612-Nov. 1614.

and the lord Uchiltrie being at lenth hard upoun the particularis of his accomptis, and quhat he had to object and say aganis the actis foirsaidis, quhilkis wer produceit and red in his audience; and the saidis Lordis being weele advisit bothe with his accomptis and with the warrandis and actis of Counsaill abonewrittin, and with all that wes proponnit and allegeit be him thairanent: the saidis Lordis ffindis that thay can go no forder with the said Lord Uchiltrie in the allowance of his accomptis, nor gif no forder allowance unto him for him selff, his companyis and thair transporte, bot according to the actis and warrandis of Counsell foirsaidis, conforme to the quhilkis ordour at that tyme wes tane with him by geving unto him twentie thowsand merkis for the compleit pay of his men of weare for the space of twa monethis, besydis uther twa thousand merkis quhilk he ressavit for the chargeis of thair transporte. And, wheras he alledgeit that his companyis wer intertenyit under pay and commandiment the space of ane moneth and sax dayis langer nor the twa monethis abonewrittin for the quhilkis twa monethis he ressavit pay, the Lordis ffindis that he aucht to haif allowance and pay lykewayes for his companyis during that moneth and sax dayis, unles his Majesteis Thesaurair Depute will verifie that thay served not under pay and commandiment during that space. And, tuitcheing the haill remanent soumes acclamed be the said Lord Uchiltrie, for the chargeis of his awne houshald, the chargeis bestowit be him upoun the interteynment and exhibitioun of the Yllismen befoir the Counsell, and the chargeis sustenit be him in keeping of the house of Dunnyvaig, the saidis Lordis ffindis that the act foirsaid maid in the moneth of May 1609, allowing unto the said Lord x^{m} lĭ. in satisfactioun of all that he had to crave in that service, doeth liberat and releve his Majestie of all and quhatsomevir soumes of money the said Lord can crave of his Majestie for ony point of the said service preceding the daite of the said act, whilk wes upoun the xij day of May 1609. Bot, quhairas it is undirstand to the saidis Lordis that thair intervenit xij monethes betwix the dait of the act foirsaid and the directioun gevin to the Lord Uchiltrie for randering of the house of Dunnyvaig to the Bischop of the Yllis, and that the said Bischop delayit the resaveing of the said house af the said Lord his handis for some monethis lykewayes after the directioun foirsaid, sua that the said Lord had the charge and burdyne of the keeping thairof all that tyme, thairfoir the saidis Lordis hes allowit and allowis unto the said Lord Uchiltrie the soume of auchtene scoir pundis monethlie for keeping of the said house fra the said xij day of May 1609 to the xij day of August 1610, compleiting in the haill xv monethis, and extending in money during that haill space to the soume of fyve thowsand and foure hundreth pundis usuall money of this kingdome; and ordanis his Majesteis Thesaurair to mak payment to the said Lord Uchiltrie of the soume abonewrittin at suche convenient tymes as he may, deduceing of the first end thairof the soume of ane thousand three hundreth and lxxx lĭ. alreddy payit to the said Lord Uchiltrie for keeping of the said

ol. 50, a.

house be umquhile Sir James Hay, knyght, Comptrollair; and ordanis that this soume sall nawayes be comptit as a pairt of the x^m ℔. contenit in the act abonewrittin, and in his Majesteis preceptis gevin accordinglie to the said Lord Uchiltrie."[1] Acta Oct. 1612–Nov. 1614.

Edinburgh, 1st June 1613. [*post meridiem?*]

Sederunt—Chancellor; Glasgow; Hammiltoun; Mar; Kinghorne; Abircorne; Lotheane; Blantyre; President; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Treasurer-Depute; Kilsythe, Vice-Chamberlain; Sir Johnne Arnott. Book of Sederunts. Fol. 76, a.

Lord of Burley.

"The Lord of Burley hard and send bak agane to the Castell."

Edinburgh, 3rd June 1613.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Hammiltoun; Mar; Abircorne; Blantyre; President; Secretary; Privy Seal; Justice Clerk; Treasurer-Depute; Clerk of Register; Advocate; Master of Elphinstoun; Sir Alexander Drummond; Sir Johne Arnote. Decreta June 1612–Dec. 1613. Fol. 192, b.

John and William Sandieson against Patrick Grant of Ballindalloch, charged with the protection of certain criminals.

Complaint by Johnne and William Sandieson, sons, "with the sisteris and remanent kin and freindis," of the late Alexander Sandieson in Condlay, that William Grant in Downen, Johnne Bowie in Ballindallach, and Williame Grant, son of George Grant of Lidmore, remain unrelaxed from hornings of 30th and 31st May 1610 for not appearing before the Council to answer to a charge of theft committed by them upon the pursuers' father, and that they "hantis, frequentis and repairis in all pairtis of the cuntrey at thair pleasour." Patrik Grant of Ballindallach, of whom the said persons are tenants, should be held answerable for their conduct, and should present them to the Council.—The said Sandiesoun appearing personally, for himself and the other pursuers, and the said Patrik Grant appearing by Robert Hay, his procurator, the Lords assoilzie the defender, because, said procurator having alleged that the said persons were free subjects and relaxed from the horning, this has been verified by the production of a letter showing that thay had been relaxed by William Cuming, messenger, on 17th November last. Fol. 193, a.

Caption against Lyon of Auldbar for debt to Mr George Haliburton.

Complaint by M^r George Halyburtoun, advocate, that Johnne Lyoun of Auldbar remains unrelaxed from a horning of 23rd April last for not paying pursuer 1565 merks of principal, "with the haill byroun annuellis thairof as yit restand awand," and 300 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

[1] In connexion with this Act, see the account in Introd. vol. viii. of this Register, pp. liii *et seq.*, of Lord Ochiltree's Expedition to the Isles in 1608, with particular references to the Expedition and its consequences in that volume and the next by the Indexes.

Decreta June 1612–Dec. 1613. Vol. 194, a.

Complaint by Archibald, Earl of Ergyle, Lord Campbell and Lorne, his Majesty's lieutenant, justice and commissioner against the Clan Gregour, and "donatour to the fynes and penalteis undirwrittin," that Johnne Dow M^cEane V^cPhatrik, brother of the "goodman" of Tullichgorme, Soone Grant in Cure, Andro Shaw in Glencairnich, Johnne M^cCondochie in Gartonbeg, Johnne M^cWilliam V^cEane in Tulliche, William Beg V^cEane V^cAngus in Dell, Archibald Grant, brother of Johne Grant of Glenmorestoun, Alexander Murray, sometime called M^cGregour, in Ardclache, Alexander Murray, his son, Duncane Grant in Lettoche, William Gow in Rothmwne, and William M^cFindlay V^cCondochie in Drum remain unrelaxed from hornings of 10th and 13th April last for not paying pursuer the following sums, being fines imposed upon them by the Council for ressetting the Clan Gregour:—Johnne M^cEwne, 100 merks; Soone Grant, 100 merks; Andro Shaw, £50; Johnne M^cCondochie, 300 merks; Johnne M^cWilliam, 100 merks; William Beg, 50 merks; Alexander Murray, 50 merks; Alexander Murray, his son, 10 merks; William Gow, 20 merks; William M^cFinlay, £50; Duncane Grant, 500 merks; Archibald Grant, 200 merks.—Pursuer urges that Johnne Grant of Frewchie, on whose lands the said rebels dwell, as his "men, tennentis, and servandis," ought to be held responsible for presenting the said persons to the Council.—Pursuer appearing by Archibald Prymrois, writer, his procurator, and the said Johnne Grant of Frewchie not appearing and the said persons not being presented, the Lords order the said defender to be denounced rebel.

The Earl of Argyle against the Laird of Grant, as responsible for certain men and tenants of his who are at the horn for non-payment of their fines for reset of the Clan Gregor.

Vol. 195, a.

Complaint by Sir Andro Agnew of Lochnaw, sheriff of Wigtoun, and Johnne Ahannay of Sorbie, that Johnne Mure of Cassincarrie remains unrelaxed from a horning of 27th July last for not paying pursuers 500 merks of principal, and £40 "for ather of the twa termes failyeis mentionat in the saidis letteris."—Pursuers appearing by Gilbert Neilsoun, their procurator, and the defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against John Mure of Cassincarrie for debt.

Vol. 195, b.

Complaint by James Davidsoun, deacon, and the "remanent maisteris and bretherine of the baxter craft within the burgh of the Cannogait," as follows:—Pursuers have "ane ile within the Abbay Kirk of Halyruidhouse," which they and their predecessors have kept for many years in repair "in the rooff and all utheris necessaris." Some other crafts "who hes lykewise illis within the said kirk" had, "for accommodating of thame selffis to heir the worde, and for bewtifeing and decoiring of the kirk, biggit and set up comelie and decent loftis within thair yllis, quhair not onlie thay, bot strangeairis who resortis and repairis to the kirk, ar weele easit." The pursuers, "being no les cairfull to bewtifie and decoir thair pairt of the kirk," had at great expense "interprysit the bigging and setting up of ane loft in thair said ile," had "maid provisioun of wanscott and all uther tymmer and necessaris for that effect," and had the same "in reddynes drest and poleist for the upsetting";

The bakers of the Canongate against the magistrates of that burgh for preventing the erection of a loft in the Abbey Church of Holyrood.

but the bailies and council of the burgh of the Cannogait, for some cause unknown to the pursuers, had debarred them from setting up the said loft. Pursuers are "a nomber of honnest men, and a pairt of the body of that towne, and doeth contribute according to thair rankis and estaitis to all the publict and commoun effairis," and in regard for the welfare of the said town "ar inferiour to nane of thair rankis and calling within the same." The pursuers think they are hardly used, since other crafts have not been refused permission to erect lofts, and since the setting up of the said loft "can be no hurte nor prejudice to the kirk, bot ane ornament and decoratioun to the same, and maketh the same so muche the more commodious for heiring of the worde."—The said James Davidsoun, deacon, appearing personally, with some of the "maisteris and bretherine of the said baxter craft," and Johnne Hairt and Mr James Wilkie, bailies, appearing personally, with some of the council of the burgh, the Lords assoilzie defenders, because by a former decree of council of 17th October 1610 the "baxteris" had been ordered to remove a loft "then set up" and to find caution in 500 merks not to build a new loft at any future time without consent of the magistrates of the Cannogait and of the session of the kirk thereof. Decreta June 1612–Dec. 1613. Fol. 195, b.

James Turnbull against John Pringle for assault.

Complaint by James Turnbull, servitor to Stewart in Oversheillis, that, on 31st August, Johnne Pringle in Nether Sheillis, "bodin in feir of weir," made a violent assault on pursuer, when pursuer was coming out of the door of his master's house in Oversheillis, wounded him in the hand, and thereafter with a "grite kent gaif him mony bauch, bla, and bludy strykis upoun diverse pairtis of the body."—Pursuer appearing personally, and defender also appearing personally, the Lords assoilzie defender, because the matter had already been settled by the "baillie principall of the regalitie of the Stow, ordinair judge to both the saidis pairtyis,"—as proved by an Act of that Court of 23rd December 1612, signed by William Billie, clerk of the regality, which showed that defender had appeared on the above charge before James Pringle of Gallowscheillis, "baillie principall," and had been convicted and "adjuget in ane unlaw for the same." Fol. 196, a.

3rd June 1613. Commission for the trial of Robert Mure and William Smith, common thieves.

Commission under the Signet, signed by the Chancellor, Hammiltoun, Sanctandrois, and Glasgow, to the provost and bailies of Drumfreis to try Robert Mure, son of the late Gilbert Mure in Kirkcudbricht, and Williame Smyth, miller at Drumfreis Mill, common thieves. The prisoners having been committed to the "pledge chalmer" of the tolbooth of Drumfreis, the said Robert had escaped. He has, however, been rearrested by the Commissioners of the Borders, and now lies, with the said William, in the said tolbooth. Commissions. Fol. 159, b.

8th June 1613. Commission of the peace for Peeblesshire.

Commission of the peace for the sheriffdom of Peblis to the Earl of Dunfermlyne, Chancellor, the Archbishop of Glasgow, the Lords of the Privy Council, and the Senators of the College of Justice, Murray of Blakbaronie, Sir Archibald Murray of Dernehall, Sir Robert Stewart, tutor of Tracquair, Johne Hay of Smethfeild, Lawsoun of Carnmure, Fol. 160, a.

Commissions. Fol. 160, a.

Charles Geddes of Rauchen, William Vetche of Dawik, Johne Govane of Cardrono, and Mr William Broun.

Commission of the peace for the sheriffdom of Drumfreis to the Chancellor, Archbishop of Glasgow, Lords of Privy Council, Senators of the College of Justice, Johnne, Earl of Wigtoun, Alexander, Lord Garleis, Johnne, Lord Cranstoun, Sir James Douglas of Drumlangrig, William Douglas, fear thereof, Sir Johnne Chairterhouse of Amisfeild, Sir Thomas Kirkpatrik of Cloisburn, William Greir of Lag, Sir Robert Douglas of Caschogill, · Douglas, his son and heir, Menzeis of Castelhill, Sir Robert Dalyell of that ilk, William Creichtoun of Ryhill, Johnne Maxwell of Conhaith, Maxwell of Cowhill, Mr James M^cMathe of Dalpedder, Robert M^cBriar of Almegill, Mr Samuell Kirkpatrik of Auchinlek, Johne Wilsoun of Crugline, and William Creichtoun in Hill. 8th June 1613. Commission of the peace for Dumfriesshire.

Commission of the peace for the sheriffdom of Selkirk to the Chancellor, Archbishop of Glasgow, Lords of the Privy Council, Senators of College of Justice, Waltir, Lord Scot of Bugcleugh, Sir Jedeone Murray of Elibank, knight, Treasurer-Depute, Sir Johnne Murray of Philliphauche, knight, Sheriff of Selkirk, Sir Robert Scot of Thirlstane, Waltir Scot of Harden, Robert Scot of Haning, James Pringle of Gallowscheillis, Pringle of Torwodlie, James Pringle of Quhytbank, and Andro Ker of Yair. Commission of the peace for Selkirkshire.

Sederunts. Fol. 76, b.

Sederunt—Chancellor; Bishop of Sanctandrois; Bishop of Glasgow; Kinghorne; Abircorne; Scone; Blantyre; President; Secretary; Privy Seal; Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Kilsyithe, Vice-Chamberlane; Sir Alexander Drummond; Sir Johnne Arnott. Edinburgh, 8th June 1613.

"The Lordis Blantyre and Kilsyithe appointit to deale with the Lordis of Scone and Burley for drawing of thame to termes of freindship; and that thay reporte upoun Thurisday nixt what thay haif done thairin." Lords Scone and Burley.

Acta Oct. 1612-Nov. 1614. Fol. 50, a.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Kinghorne; Abircorne: Lotheane; Bishop of Caithnes; Blantyre; President; Secretary; Privy Seal: Treasurer-Depute; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Kilsyithe, Vice-Chamberlain; Sir Alexander Drummond; Sir Johnne Arnott. Edinburgh, 10th June 1613.

Williame Andersoun in and unmercifullie invadit and persewit Mr Robert Biggar, minister at and left him for deade," and having immediately been apprehended by Sir Robert Dalyell of that Ilk, Sheriff of Drumfries [*ante*, p. 68], the Lords, "being cairfull that this attempt, being of so wicked a preparative and example, salbe tane ordour with," have appointed Williame Creichtoun "haveing laitlie maist shamefullie, cruellie, Charge to Sir Robert Dalzell, sheriff of Dumfries, to deliver a prisoner of his to William Crichton of Ryehill.

of Ryhill "to ressave the said Williame af the handis of the said schireff and to present him heir befoir the saidis Lordis," and therefore order letters to charge the said Sir Robert to deliver the said Williame Andersoun to the said Williame Creichtoun of Ryhill to that effect. Acta Oct. 1612-Nov. 1614.

Report to the Council by Chancellor Dunfermline of the proceedings of himself and his fellow-commissioners for the trial of the assay-box in the mint; and approbation of the same by the Council.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Alexander, Erll of Dunfermelyne, Lord Heich Chancellair of this kingdome, and exponit and declairit that he, accompanyit with Sir Thomas Hammiltoun of Byris, knight, Secretair, Sir Richard Cokburne of Clerkintown, Lord Previe Seale, Sir Jedeone Murray of Elibank, Thesaurair Depute, Sir Alexander Hay of Quhyteburgh, knyght, Clerk of Register, and Sir Johnne Arnott, knight, commissionaris nominat be the saidis Lordis for oppynning of the assay box and tryeing of the assayis of gold and silver being thairintill [*ante*, p. 37], convenit in the cunyeehous within the burgh of Edinburgh upoun the xvij day of May last, and thair, according to the commissioun foirsaid gevin unto thame, thay causit the generall of the said cunyeehous, wardane, countair wardane, and assayair oppin the assay box, and conferrit the particulair peeceis within the same, and the severall paperis aboute everyone of thame, with the register bookis of the assay gevin in be the wardane and the counter wardane, and that thay fand a conformitie and aggreance betwix the nomber of the assay peeceis and the wardanis register; viz.:—that thay fand in the said assay box the assayis of gold for threescoir sax jornayis wroght be umquhile Thomas Achiesoun, maister cunyeour, frome the xiij day of Februair the yeir of God j^{m}vj^{c} and fyve yeiris to the saxt day of Junij the yeir of God j^{m}vj^{c} and ten yeiris inclusive; all quhilkis peeceis being meltit togidder and cassin in ane lingott did wey three unce, ane deneir weght; and, the fynes thairof being thaireftir verie exactlie tryit, the haill lingott did ansuer to the fynes of tuentie twa carrottis and half a grayne; and that thair did rest of the same lingott after the assay tane thairof twa unceis nyntene deneiris twelff grayne weyght. And he reportit that thaireftir thay fand in the said assay box, and tooke furth thairof, the assayis of silver of ane hundreth lxxix jornayis wroght be the said umquhile Thomas Achiesoun, maister cunyeour, frome the twelft day of Februar the year of God j^{m}vj^{c} and fyve yeiris to the xxiij day of Januair the yeir of God j^{m}vj^{c} and ellevin yeiris inclusive; quhilk being meltit togidder and cassin in ane lingott did wey ten unce twa deneiris; and, the fynnes thairof being thaireftir verie exactlie tryit, the said lingott did answer to the fynnes of xj deneiris and half ane grayne; and thair did rest of the same lingott after the assay tane thairof nyne unceis and saxtene deneir weyght. He lykwayes reportit that thair wes tane furthe of the said assay box the assayis of twentie ane jornayis of gold wroght be George Foullis, present maister cunyeour, fra the twentie day of September j^{m}vj^{c} and ellevin yeiris to the fouretene day of Aprile j^{m}vj^{c} and threttene yeiris inclusive; quhilk twentie ane assayis being meltit togidder, and cassin in ane lingott did wey twentie twa deneir weght; Fol. 50, b. Fol. 51, a.

Acta Oct. 1612–Nov. 1614.

and, the fynnes thairof being verie exactlie tryit, the haill lingott wes fundin to be of the fynnes of tuentie twa carrotis; and that thair did rest of the said lingott after the assay tane thairof sevintene deneiris auchtene graynes of weght. And, last of all, he reportis and declaris that thair wes tane furthe of the said box twentie twa silver assayis wroght be the said George Foullis, present maister cunyeour, fra the first day of June the yeir of God j^{m}vj^{c} and ellevin yeiris to the threttene day of Marche j^{m}vj^{c} and xiij yeiris inclusive; quhilkis assayis being meltit togidder and cassin in ane lingott did wey ane unce three deneiris twelf graynis; and, the fynenes thairof being verie narrowlie tryit, the haill lingott wes fundin to be of the fynnes of ellevin deneiris and tua graynes; and that thair did remane of the same lingott efter the assay tane thairof nynetene deneir weght. Quhilkis foure lingottis, after the assay tane thairof, wer delyverit be the saidis Lordis to Johnne Achiesoun, present generall. The Lordis of Secreit Counsaill having hard the reporte and declaratioun maid be the said Lord Chancellor in the mater foirsaid, thay haif allowit, and be the tennour heirof allowis, of the tryall tane be the saidis commissionaris in this mater, and ffindis that thairin thay haif procedit verie ordourlie and circumspectlie, with goode advise and deliberatioun; and thairfoir the saidis Lordis declairis that the generall, maister cunyeour, wardane, counter wardane, assayair, and all utheris officiaris and memberis of his Majesteis cunyeehouse hes deulie, faithfullie, and uprightlie usit and exerceit thair officeis, ilkane of thame for thair awne pairtis, conforme to the actis and ordinanceis maid thairanent in all pointis; and exoneris thame and every one of thame of the same be thir presentis."

[Sederunt as recorded above.]

Edinburgh, 10th June 1613.

Decreta June 1612–Dec. 1613. Fol. 197, a.

Caption against Sir James Douglas of Spott for debt to John Murray.

Complaint by Johnne Murray, servitor to Johnne, Earl of Mar, that Sir James Douglas of Spott, knight, remains unrelaxed from hornings of 24th and 29th October last for not paying pursuer "ane thowsand fourtene hundreth pundis" of principal and £140 of expenses, together with £10 of annualrent for each £100 for the years "awand unpayit."—Pursuer appearing by Andro Plumbar, his procurator, and defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 197, b.

The Countess-Dowager of Errol against William Hay, her son by a former marriage, and others, for violent molestation.

Complaint by Dame Agnes Sinclair, Countess of Errole, and Alexander Gordoun of Strathdowne, her present spouse, as follows:—The said Dame Agnes has the lands of Over Auchereis, "with the tour, fortalice and maner place thairof," in liferent, and has been in peaceable possession of the same for many years. Of late, William Hay, her son by her marriage with the late Andro, Earl of Erroll, "haveing most insolentlie shaikin af that naturall and dewtifull effectioun quhilk he sould have caryed towardis his said mother," had molested her, and had shown a desire to debar her from enjoying the place of Auchereis. On March

last the said William Hay, accompanied by Alexander Hay of Brunthill, Mr Patrik and George Hay, his sons, Johnne Hay, burgess of Abirdene, Thomas Forrest in Cokishill, and others, all in arms, came "in a tumultuous and unseamelie maner" to Over Auchereis, and, having surprised the place, entered it, and made themselves masters thereof; and they now keep it as a "house of weare," and will not suffer the pursuers to have access thereto.—Pursuers appearing by James Gordoun of Knokaspik, and defenders not appearing, the Lords order the defenders to be denounced rebels. Decreta June 1612-Dec. 1613.

Mark Gledstanes against James Guidlatt for threatening his life.

Complaint by Mark Glaidstones, burgess of Edinburgh, as follows:— James Goodlatt, one of the King's Guard, having conceived an unjust hatred against pursuer, has sought to ruin him, and "by some desperat interprise to bereif him of his lyff." Every night, for nearly twenty days past, between 10 and 11 o'clock, the said James Goodlatt had lain in wait for pursuer at the gate of pursuer's house, in order to murder him; which would have been done had not pursuer by the providence of God stayed within his house on the said nights. Moreover, on 8th June instant, defender had sent to pursuer's house Robert Levingstoun, son of Levingstoun of West Quarter, who summoned the pursuer to keep "a meiting of a single combat" with defender or else "to put a sword about him," because defender "wald tak his advantage of the said complenair how soone he sould start him, ather upoun the calsay of this burgh, or in ony uther pairt within this kingdome."—Pursuer appearing personally, and defender also appearing personally, the Lords order each party to find caution in 2000 merks within 48 hours. Fol. 198, a.

10th June 1613.

Commission for the trial of Margaret Reoch, sometime in Lumphanan, suspected of witchcraft.

Commission under the Signet, signed by the Chancellor, Sanctandrois, Lynlythgow, Kinghorne, Abercorne, Lothiane, Blantyre, and A. Elphingstoun, to Petir, Bishop of Abirdene, Alexander Irwing of Drum, James Gordoun of Lesmoir, Johnne Gordoun of Tulligreig, Mr James Ros, minister at Abirdene, and Mr Johnne Strathauchin, minister at Kincairdin, or any three of them,—the said Bishop and Alexander Irving being always two of the number,—to apprehend and try Margaret Reoch, now a vagabond, and sometime in Lumfannan, suspected of witchcraft, sorcery, enchantment and other devilish practices. Commissions. Fol. 160, b.

10th June 1613.

Report by Lord Blantyre and Livingstone of Kilsyth of their proceedings for the reconciliation of Lords Scone and Burley.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Walter, Lord Blantyr, and Sir Williame Levingstoun of Kilsythe, and declairit that thay, according to the directioun gevin unto thame be the saidis Lordis, had delt and travellit with the Lordis of Scone and Burley for drawing of thame to some termes and conditioun of reconsiliatioun, and that thay had broght thame to this poynte, that the Lord of Scone desirit of the Lord of Burley ane authour and debtour for these speecheis quhilkis the Lord of Burley, alledgeit that the Lord of Scone had spokin to his Majestie in his prejudice, and that, thay haveing imparted this mater to the Lord of Burley, he craved that he might be admittit to gif his awne answer thairunto in presence of the Counsell. Quhairupoun, the said Lord of Burley being send for frome the Castell, Sederunts. Fol. 76, b.

ederunts. and compeirand befoir the saidis Lordis, and being desirit be thame to gif unto thame ane authour and debtour for the saidis speecheis, he
ol. 77, a. ansuerit that he desyrit to knowe of the Lord of Scone for what caus he soght ane debtour. And, the Lord of Scone being demandit heirupoun, he declairit that he had verie goode reasoun for him to seeke ane debtour, seeing he knew that the Lord of Burley had not spokin with his Majestie, and had hard no suche speecheis from his Majesteis mouthe; and he wald knowe whidder the Lord of Burley had biggit up these speecheis him selff oute of his awne splene and passioun aganis him, or yf he had ane famous debtour for him. Quhairupoun the Lord of Burley gaif Sir Hary Balfour, his bruther, to be his informair and authour for the saidis speecheis. And, the Lord of Scone craving that the Lord of Burley wald condiscend upoun the speecheis, the said Lord of Burley declairit that thir wer the speecheis: to witt, that the Lord of Scone had affermed unto his Majestie that the Lord of Burley sould haif said to him that quhatevir wes done be the Kingis Majestie aganis him that the same wes done for a shew, and that he had assuirance to be repossest to his place in Counsaill. This being reportit unto the Lord of Scone, he answerit that he wald refer him unto the Kingis Majesteis awne declaratioun tuitcheing the speecheis that he had spokin to his Majestie, and whatevir his Majestie wald reporte in that mater that he wald stand to it, and, yf his Majestie wald justifie the speecheis alledgeit be the Lord of Burley, that then he wald do him all reasoun that could be requirit, and, yf his Majestie refuisit that ony suche speecheis were spokin unto him, then he doubtit not bot that bothe his Majestie and the saidis Lordis wald censure the wrang done to him accordinglie."

Sederunt—Chancellor; Blantyre; President; Bishop of Caithnes; Treasurer; Master of Elphinstoun; Clerk of Register; Advocate. Edinburgh, 12th June 1613.

In the matter of a quarrel between George Murray and a son of Sinclair of Ratter.

"The Lordis of Secreit Counsaill having tane tryale anent the lait appeirance of trouble whiche fell oute betuix George Murray, servand to Sir Robert Gordoun, knyght, on the ane pairt, and Sincler, sone naturall to the Laird of Ratter, James Spens, his servand, and George Mowatt, servand to the Erll of Caithnes, anent some toukis whilkis past betuix thame, and haveing examinat the witnessis produceit be the said George Murray, and having hard the depositionis maid be the said James Spens heiranent, the saidis Lordis ffindis that the said James Spens toukit the said George Murray upoun the Hie Streit of this burgh upoun Wednis-
ol. 77, b. day last the nynt of this instant; ffor the quhilk the saidis Lordis ordanis the said James to be committit to warde within the Tolbuithe of Edinburgh, thairin to remane upoun his awne expensis ay and quhill he be fred and relevit be the saidis Lordis. And the saidis Lordis assignis the xv of this instant to the said George Mowatt for preving of the touke alledgeit gevin to him be the said George Murray, and ordanis the said George Mowatt, who was personalie present, to remane heir quhill the

said day. And the Lordis declairis that whatevir hes bene or salbe verifeit and provin in this particulair sall infer no brek nor contraventioun aganis the Erllis of Suthirland and Caithnes and M^cKy of the cautioun fundin be thame *hinc inde* to utheris for keeping of his Majesteis peace." Sederunts. Fol. 77. b.

Edinburgh, 15th June 1613.

Sederunt—Chancellor; Bishop of St. Androis; Kinghorne; Abircorne; Bishop of Caithnes; Blantyre; President; Secretary; Privy Seal; Treasurer Depute; Clerk of Register; Advocate; Kilsyithe; Sir Alexander Drummond; Sir Johnne Arnott. Acta Oct. 1612–Nov. 1614. Fol. 51, a.

Act for the protection of tenants against extortion by their landlords in general taxations.

"Forsamekle as, althoght in all taxationis quhilkis formarlie hes bene grantit unto the Kingis Majestie be the Esteatis of this kingdome thair wes evir a speciall and particulair consideratioun and provisioun had in favouris of the poore fermoraris of the ground, who ar subject to thair maisteris in payment of a deir ferme dewytie for the landis possest and occupyit be thame, quhairby thay and everyone of thame wer fred and relevit of all payment of ony pairt of the same taxatioun, nevirtheles the Lordis of Secreit Counsaill ar informit that some maisteris and landislordis, oute of thair unsatiable desire of commoditie and gayne, hes in divers preceding taxationis compellit thair poore tennentis and fermoraris, without ony warrand or auctoritie of law, to contribute to the payment of suche proportioun of the saidis taxationis as wes layed upoun thame, and some of the saidis maisteris hes exactit more of thair fermoraris nor thay wer chargeit with thame selffis,—whilk hes not onlie procurit privat murmouring, and havie imprecationis of the poore ones aganis the withgait and libertie quhilk thair merciles maisteris hes unlauchfullie assumed so far to overthraw and oppresse thame, bot with that the Esteatis of this kingdome ar havilie sclanderit as yff this oppressioun did proceid by warrand and auctoritie frome thame: And whairas it is verie probable and liklie that divers of thir fermoraris, upoun misknowledge and ignorance that thay ar nowayes subject to the payment of ony pairt of the saidis taxationis, doeth the more reddilie contribute to the releiff of thair maisteris and landislordis, and that utheris of thame, upoun feir of thair maisteris offence and miscontentment, doeth lykewayes yeild to thair unreasounable desyre in that point: The Lordis of Secreit Counsaill, upon consideratioun heirof, and of the just cause of greif and complaint of the saidis poore fermoraris, of whome a grite many dar not compleene, hes thoght meete and expedient, for preventing of all suche forme of extorsioun and oppressioun of the poore ones in tyme comeing, to tak this course;—that, yf ony maisteris and landislordis of the spirituall or temporall estate sall in ony tyme heireftir exact of thair fermoraris ony soumes of money for thair releif of ony pairt of the taxationis imposit upoun thame, that everie suche maister and landislord sall not onlie be compellit to pay bak agane to thair fermoraris the soumes of money so extorted and tane frome thame, bot with that thay salbe uthirwayes censurit and punist at the arbitriment of Fol. 51, b.

Acta Oct. 1612–Nov. 1614.

his Majesteis Counsell, and the extorsioun and oppressioun foirsaid salbe verifeit aganis thame outher be thair awne aith or be the aith of the fermoraris; and ordanis letters of publicatioun to be direct heirupoun, whairthrow nane pretend ignorance of the same."

Fol. 52, a.

Proclamation for enforcing the Acts against the circulation of foreign coins, or of decried coin of the realm, and specifying the prices at which the various sorts of such coin are henceforth to be brought in to the mint as bullion.

"Forsamekle as, althoght the Kingis Majestie, upoun verie goode considerationis, especiallie for intertenying of plentyis of money and bulyeoun within this kingdome, and for encourageing of his Majesteis subjectis to bring in to his cunyeehous all foreyne gold and silver with his Heynes awne proper decryed coyne, hes, be divers actis and proclamationis maid and publist heirtofoir, not onlie dischargeit the course and passage of the said foreyne and decryed coyne and ordanit the same to be inbroght to his Majesteis cunyeehous as bulyeoun, bot with that hes modifeit, allowit, and sett doun verie heich pryceis to be gevin thairfoir in his Majesteis cunyeehouse, sua that nane of his Majesteis subjectis can with reasoun compleene of ony prejudice, hurte or losse that thay may sustene throw that occasioun; and his Majestie expecting that all dewtifull regaird and reverent obedyence sould haif bene gevin to his Majesteis warrandis and directionis foirsaidis, and the rather for that no prejudice could be thairby pretendit be ony persone or personis: nevertheles his Majestie is informit that the course and passage of the said coyne foreyne and decryit is yitt of continewance, and als frequent, publict, and avowed in tradis, payment and wissilling, as the lauchfull current coyne of this kingdome, and, quhilk is so mutche the more offensive to his Majestie, that the pryceis of the forbiddin coyne ar raisit, hichted, alterit, and changeit according to the humour and dispositioun of the gevair out and ressaveair, so that verie oft grite nomberis of his Majesties good subjectis are wounderfullie circumvenit and abusit be the policie and craft of the more subtle, who gevis unto thame licht for havie of all sortis of moneyis, and drosse for goode coyne; wherby the ressavearis thairof lossis a full thrid: And whereas it may be pretendit that by the formair proclamationis maid heiranent the pryceis of gold and silver according to thair severall fynnes wes onlie sett generallie upoun the unce, without ony particulair or speciall mentioun or designatioun of the pryceis in the unce of the severall spaceis of gold and silver whilkis ar decryed and forbiddin: His Majestie, for removing of all suche mater of scruple and doubt fra his Heynes subjectis, and to mak thame so mutche the more inexcusable yf at ony time heirefter thay sall transgres in this poynte, hes thoght meete, with advise of the Lordis of his Previe Counsell, to sett doun the pryceis of the unce, deneir, and grayne weght of the severall spaceis of gold and silver heirefter mentionat, according to the whilk all his Majesteis subjectis sall ressave payment in his Majesteis cunyeehous:—that is to say: ffor the auld rois noble, the Hary noble, and the angell noble, thay sall ressave for every unce thairof xlij ℔., for everie deneir weght thairof xxxv ß.,

Fol. 52, b.

and for everie grayne weght thairof j ß. v ₫.; ffor his Majesteis thrissill noble, for the Portugall ducatt, the double ducatt, the Ungaris ducatt,

and the Ghentis noble, thay sall ressave for everie unce thairof xlj ℔. xiij ß. x đ., for everie deneir weght thairof xxxiiij ß. viij đ., and for everie grayne weght thairof j ß. v đ.; ffor the gunhoill angell, the croce ducatt, the Franshe Harie ducatt, and the Vtrightis noble, thay sall ressave for everie unce weght thairof xl ℔. xvj ß., for everie deneir weght thairof xxxiiij ß., and for everie grayne weght thairof j ß. v đ.; ffor the Franshe crowne and potence crowne, thay sall ressave for everie unce weght thairof xxxix ℔. xviij ß. iij đ., ffor everie deneir weght thairof xxxiij ß. iij đ. and for everie grayne thairof xvj đ.; ffor his Majesteis hatt peece, the fyve pund peece, the Quenis peece with the cipher MR, the Quenis portrat with the naiked craig, the Spanis pistollett, and milrae, thay sall ressave for everie unce weght thairof xxxix ℔., for everie denier weght thairof xxxij ß. vj đ., and for everie grayne weyght thairof xvj đ.; ffor his Majesteis lyoun noble and the abbay crowne, thay sall ressave for everie unce thairof xxxviij ℔. ij ß. vj đ., for everie deneir weght thairof xxxj ß. ix đ., and for everie grayne weght thairof xv đ.; ffor his Majesteis ducatt with the bair heade and for the Flanderis Albertus, thay sall ressave for every unce weght thairof xxxvij ℔ iiij ß. x đ., ffor everie deneir weght thairof xxxj ß., and for everie grayne weght thairof xv đ.; and for all uther forbiddin and decryed spaceis of gold thay sall ressave *pro rata* according to thair weght and fynnes; ffor the auld xxx ß. peece with the tree or swerd and the pairtis thairof, for the auld xl ß. peece with his Majesteis portrat and swerd and pairtis thairof, for the auld Scottis testane, the laite x ß. peece, the plane croce ryall of aucht, and the Franshe quart descu, thay sall ressave for everie unce weght thairof lviij ß. viij đ., for everie deneir weght thairof ij ß. v đ., ffor the grayne weght thairof ane penny; ffor the uther ryallis of aucht, callit the doig ryallis or ryallis of Mexico, quhilkis ar raggit at the endis of thair croce, with thair halffis, quartaris and aucht pairtis, thay sall ressave for every unce thairof l ß. vij đ., for everie deneir weght thairof ij ß. iij đ., and for the grayne weght thairof j đ.; and for the new half merk peece, the croce dolouris, and the auld Franshe testane, thay sall ressave for the unce weght thairof liiij ß., for the deneir weght thairof ij ß. ij đ., and for the grayne weght thairof j đ.; and for the Phillopis dolouris and the Franshe frank peece thay sall ressave for the unce thairof lij ß., for the deneir weght thairof ij ß. ij đ., and for the grayne weght j đ.; and for the Swaden dolouris thay sall ressave for the unce thairof lj ß. j đ., for the deneir weght thairof ij ß. j đ., and for the grayne weght thairof j đ.; and for the auld testane callit the Dukis testane, and for the dogis dolour or Batinburghis dollour, thay sall ressave for the unce thairof xlv ß. vj đ., for the deneir weght thairof j ß. xj đ., and for the grayne thairof j đ.; and for the Flemis dolour thay sall ressave for the unce thairof xlv ß., for the deneir weght thairof j ß. x đ., and for the grayne weght thairof j đ.; and for the auld halff merk peecis thay sall ressave for the unce weght thairof xlj ß., for the deneir weght thairof j ß. viij đ., and for the grayne weght thairof three

Acta Oct. 1612–Nov. 1614. Fol. 52, b.

Fol. 53, a.

a Oct. 2–Nov. 1.

farthingis; and for all uther decryed spaceis of silver thay sall ressave *pro rata* according to thair weght and fynnes. And ordanis letters to be direct to mak publicatioun heirof be oppin proclamatioun at the mercatt croceis of the heade burrowis of this realme and uthiris placeis neidfull, quhairthrou nane pretend ignorance of the same; and to certifie all and sindrie his Majesteis liegeis and subjectis quho sall ressave or delyver ony of the saidis foreyne and decryit spaceis of gold and silver in paymentis, wissilling, or tradis, that thay salbe callit, convenit, persewit, and punist thairfoir in thair personis and goodis, conforme to the actis and proclamationis formarlie maid thairanent; commanding all magistrates to burgh and land to caus diligent attendance be gevin everyone of thame within thair awne boundis that dew regaird be had to the obedyence and observatioun of this present act, and, whenas thay sall find ony brek or violatioun of the same, that thay notifie the same to his Majesteis Thesaurair, or suche utheris of his Majesteis Counsell as thay sall think meete, to the effect the contravenaris may be callit and accordinglie punist, as thay will answer upoun thair obedyence at thair heichest perell."

eta June -Dec.

199, a.

Sedcrunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Hammiltoun; Mar; Wigtoun; Kinghorne; Abircorne; Lotheane; Bishop of Caithnes; Blantyre; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Kilsyth, Vice-Chamberlain; Sir Alexander Drummond; Sir Johnne Arnote. Edinburgh, 17th June 1613.

Caption against Thomas Home and Hercules King at the suit of James Reule.

Complaint by James Reule, son of Janet Craw, relict of George Craw, portioner of Flemyngtoun, and "cessionair and assignay lauchfullie constitute be hir," that Thomas Home in Coldinghame, and Hercules King there, remain unrelaxed from a horning of 30th September last for not restoring to pursuer "sevin ky with calff and ten oxin," wrongfully spulyied by them from the lands of Mordingtoun, and placing them again on the said land "als guid as thay wer the tyme of the awaytaking thairof," or else paying the price of the same as specified in the decree of Council of 31st July 1612; and also for not paying the profits which would have been obtained by possession of the said cattle since they were taken by defenders, together with £10 of expenses and 40s. to the collector.—Pursuer appearing personally, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

99, b.

Caption against the Master of Tullibardine for debt.

Complaint by Johnne Lowrie, elder, merchant, burgess of Edinburgh, that William, Master of Tullibardin, and Patrik Stewart of Baith remain unrelaxed from hornings of 11th and 12th June instant for not paying pursuer £1000 of principal and 300 merks of expenses.—Pursuer appearing personally, and the said Master of Tullibardin not appearing, the Lords give order against defender as above.

In the action of Gilbert Johnston against James Forbes.

The Lords fix the 15th of July next for hearing the complaint of Gilbert Johnnstoun, *alias* Cardrum, in Lethintie, against James Forbes of Lethintie (*ante*, p. 59), and summon Johnne Walker, Thomas Burnet, Thomas Alexander, Andro Mellat, Johnne Hutcheoun, Johnne Choipman, Alexander Glenne, servitors to the said James Forbes, and George Blakhill in Kingadie, to appear as witnesses on the said day. Decreta Jun. 1612–Dec. 1613. Fol. 200, a.

Caption against David Reid for debt.

Complaint by Johnne Adamsoun, merchant, burgess of Edinburgh, that David Reid in Aikinhead remains unrelaxed from a horning of 3rd June for not paying pursuer £743, 12s. of principal and 100 merks of expenses.—Pursuer appearing by James Adamsoun, and defender not appearing, order is given to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 200, b.

In the action of the Earl of Cassillis against M°Ilvane of Grymmett.

Complaint by Johnne, Earl of Cassillis, and Sir William Oliphant of Newtoun, knight, for the King's interest, against Johnne M°Ilvane, younger, of Grymmett, in the matter of the riot and assault at Mayboill in November last [see *ante*, pp. 40, 42]. The account of the riot is here reproduced in almost the same words as in the former entries, but with the addition that the Laird of Culzeane was cut on the left arm "throw the coat and doublat," and with this amplification of the last episode:—The defenders, finding they could "no forder prosequute thair wicked and detestable resolutioun aganis the laird of Blaquhan, seing the yettis wer closit and thay could not get entrie," went away together "in ane company," and, "coming by the tolbuith, quhair one James M°Ilvane, tailyeour, wes wairdit be the said Erllis directioun for ane insolence committit be him within the towne of Mayboill," liberated the said James; and, when the Earl sent his bailie depute of Carrik to the defenders to order them to enter themselves in ward and to call upon the said George Corrie to deliver them to him, the said George disdainfully refused, and said that "gif the said Erll wald come and fetche thame, he sould tak thame over the said Georges bellie or thay enterit in waird."—Pursuers appearing personally, and the said George Corrie being personally present, the Lords find that the said George Corrie has committit "a verie grite insolence, dissobedience and misbehaviour," and order him to be imprisoned at the pleasure of the Lords in the Castle of Blaknes at his own expense, and that he enter himself therein within 48 hours. Fol. 201, a. Fol. 201, b.

The King's Advocate against Patrick Leirmonth, citizen of St Andrews, and his son, for riot and insolence in that burgh.

Complaint by Sir William Oliphant of Newtoun, knight, the King's Advocate, as follows:—While Johnne Arnote, one of bailies of the city of Sanctandrois, was walking on the street of the said city with Duncane Balfour, provost, and Alexander Winchester, late provost, of the said city, on 31st May last,—"thay being than busie in the executioun of thair office anent some of the commoun effairis of the toun,"—Patrik Leirmonth, citizen of Sanctandrois, and Johnne Leirmonth, his son, "being adverteist that the said Johne Arnote wes upoun the streit the tyme foirsaid without airmour," made a fierce attack with swords upoun the said Johnne; who "by the providence of God and help of some Fol. 202, a.

ecreta June 12–Dec. 13.

nichtbouris wes fred of thame." In further contempt of his Majesty and of their magistrates, the said persons have "associat unto thame selffis utheris ydill and insolent personis, and in a swaggaring forme and maner gois up and downe the streitis, making provocatioun not onlie to the said

l. 202, b.

Johnne Arnote, but to the remanent magistratis of the said burgh, incaice thay wald presome to find fault with thair doingis." Although the magistrates "upoun privat respectis of thair awne" would willingly conceal this insolence, yet, as it is "committit aganis a magistrat," and as the "preparative thairof is verie pernitious," the pursuer has thought meet to inform the Lords of the same.—The Lord Advocate appearing personally, and defenders also appearing personally, the Lords order defenders to find caution in the sum of 1000 merks not to molest in the future Johnne Arnote, Thomas Lentrone, and Robert Tailyeour, bailies of Sanctandrois, or David Lentrone, citizen of Sanctandrois; and further they remit the present complaint to the decision of George, Archbishop of Sanctandrois, ordaning him, "with the presence and concurrence of the provest of the said citie," to pass sentence on defenders.

. 203, a.

Complaint by Johnne Gourlay of Roulwood that Waltir Scott, brother of Robert Scot of Burnefute, remains unrelaxed from a horning of 18th May last for not paying to pursuer 650 merks of principal and £100 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender uot appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Walter Scott for debt.

Complaint by Johnne Ramsay of Priorlethame, that David Forret of that ilk, Cristeane Meldrum, his spouse, James Forret, fear of the ilk, and Jeane Hering, his spouse, remain unrelaxed from a horning of 6th October last for not paying to pursuer 1670 merks of principal and 300 merks of expenses.—Pursuer appearing personally, and defenders not appearing, there is decree as above against defenders.

Caption against Forret of that Ilk for debt.

203, b.

Complaint by Henry Wardlaw of Balmull, chamberlain to the Queen, that George Grahame of Drym remains unrelaxed from a horning of 12th November 1612 for not paying to pursuer, as chamberlain, £240 for "fermes addebtit be him" for 1611: also, that he is unrelaxed from a horning of 4th May last for not paying to pursuer 2 chalders 6 bolls 1 firlott of beir for his fermes of Drem for 1612: whereby he shows a bad example to the other tenants of the Queen, and will make "hir rent of the Erldome of Ross and Lordschip of Ardmannache altogidder inutile and unproffitable," unless remedy be found. Johnne Gordoun of Buckie, sheriff-depute of Invernes, "within quhais boundis and office the said George Grahame dwellis," had been ordered to present the said George to the Council this day.—Pursuer appearing personally, and the said Johnne Gordoun not appearing, the Lords order the said Johnne Gordoun to be denounced rebel.

Gordon of Buckie denounced at the instance of Wardlaw of Balmull, Queen's Chamberlain, for not presenting George Grahame, who is at the horn for debt to the Queen.

204, b.

Complaint by Alexander and Robert Couper, sons of the late Adam Couper of Gogar, heritable proprietors of the lands, &c., referred to

Caption against Crichton of

Strathurd and others for debt to Alexander and Robert Cooper.

below, and by James Maistertoun, Robert Dennestoun, goldsmith, burgess of Edinburgh, and Andro Couper, writer there, tutors, for their interest, that Johnne Creichtoun of Strathurd, William Creichtoun, his brother, Johnne Thome in Loak, Andro Logie there, Michaell Dae there, Johnne Gibsoun there, Robert Gilbert there, Andro Boyd there, and William Logie there, remain unrelaxed from a horning of 15th April last for not paying to pursuers the "victuall caynis" and other duties and the rents of the lands possessed by each, or else the value of the same as specified in the said letters of horning, together with £10 of expenses and 40s. as collector's fee.—Pursuers appearing by Archibald Douglas, macer, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Decreta June 1612–Dec. 1613.

Sir Robert Crichton of Cluny denounced for assault on James Rowan.

Complaint by James Rowane, son of William Rowane of Bandane, and by the said William Rowane, for his interest, as follows:—On a Sunday in May last, James Rowane had gone out of his father's house of Courthill, "immediatlie efter denner," to "recreat himself upoun the feildis." Shortly afterwards Sir Robert Creichtoun of Cluny, knight, and Patrik Wood, his servant, had come on horseback to the Mure of Lownane not far from Courthill, and the said Patrik Wood, at the command of his master, had ridden up to the place where James Rowane was recreating himself, and had there committed an assault on the said James with a drawn sword, striking him on the head, and endangering his life. The said Patrik had then rejoined his master, and they had gone away together.—William Rowane appearing for himself and his son, and Sir Robert Creichtoun not appearing, the Lords order defender to be denounced rebel. Fol. 205, a.

John Brebner against Beaton of Creich and his servants for wrongful arrest and imprisonment.

Complaint by Sir William Oliphant of Newtoun, King's Advocate, and by Johnne Braibnair, in the Cottoun of Pittachop, as follows:—On Sunday, 2nd May last, Thomas Dudingstoun and Andro Murray, domestics and household servants of David Betoun, fear of Creiche, had gone, by their said master's orders, to the town of Fask, "quhair thay belevit that the said Johnne Braibner wes for the tyme"; and, after they had "searcht and socht him ane lang tyme," they had gone to the said Johnne's house about 5 o'clock at night, and, finding "the duris thairof cloisit," had uttered many threats against the said Johnne; who, "feiring some desperat course," had opened the door, and had been immediately arrested and carried off to Creiche, where he had lain in prison for two or three days. As the taking of free persons is a crime prohibited by the laws, and as defenders had arrested the pursuer without commission, they should be punished accordingly.—Pursuers appearing personally, and defenders being also personally present, the Lords find the charge proven, and order the said David Betoun to be committed to ward in Edinburgh Castle, and the said Thomas Duddingstoun and Andro Murray to be kept in the Tolbooth of Edinburgh, each at his own expense, and during the pleasure of the Lords. Fol. 205, b. Fol. 206, a.

mmissions. l. 161, a.

Commission under the Signet, signed by the Chancellor, Hammiltoun, Abircorne and Blantyre, to the provost and bailies of the city of Sanctandrois, to apprehend, and exhibit before the justice, Waltir Geddie, sometime citizen of St Androis, who left the realm to escape punishment for "rungeing" and clipping the coin, but who is now back again in this country. 27th June 1613. Commission for the apprehension of Walter Geddie of St Andrews, accused of clipping the coin.

derunts. l. 77, b.

Sederunt—Chancellor; Montrois; President; Blantyre; Secretary; Privy Seal; Clerk of Register; Advocate; Kilsyithe; Sir Alexander Drummond. Edinburgh, 19th June 1613.

"A reporte maid be the Erll of Ergyll anent the Clangregour." The Clan Gregor.

ta Oct. 12-Nov. 14. l. 53, a.

Sederunt—Chancellor; Bishop of Glasgow; Kinghorne; Blantyre; President; Privy Seal; Secretary; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Kilsythe; Sir Alexander Drummond; Sir Johnne Arnott. Edinburgh, 22nd June 1613.

l. 53, b.

"Forsamekle as it is undirstand to the Kingis Majestie and Lordis of Secreit Counsaill that the peir, harborie, and sey porte of the citie of Sanctandrois is altogidder become ruynous and decayit, and at the verie point of utter overthraw, to the appeirand wracke and hurte of the said citie and decay of all trade and handling within the same,—the reparatioun of whilk harborie in tymber, stone, and utheris necessaris will require far griter chargeis and expensis nor the inhabitantis of the said citie ar able to beir oute, thair commoun goode being exhaustit and wrackit, and ane grite povirtie being amangis all esteatis of personis within the said citie, by reasoun of the decay of trade and handling within the same whilk hes proceidit frome the insufficiencie of the said harborie,—the consideratioun whairof movit the Commissionaris of the Burrowis, in thair generall meetingis and conventionis haldin at Kinghorne and Carraill *respective* in the sax hundreth [for j^{m}] and sax hundreth and ten yeiris of God, to gif licence to the said citie of Sanctandrois to impetrat of oure Soverane Lord ane gift of the impoist and dewitie undirwrittin to be liftit, intromettit with and uptane of all goodis and geir arryveing within the said harborie, as in the licence foirsaid grantit be the saidis Burrowis at lenth is contenit: And his Majestie and Lordis of Secreit Counsaill having a speciall cair and regaird of the weele standing and floorisheing of the said citie in welth, civilitie, and policie, and beeing loathe that suche ane antient and famous citie for laik of mantenance sould decay: Thairfoir his Majestie, with advise of the Lordis of his Secreit Counsaill, hes gevin and grantit, and be the tennour heirof gevis and grantis, to the Provest, Baillies, Counsaill, and communitie of Sanctandrois, for the space of sevin yeiris nixt and immediatlie following the day and daite heirof, the impoist and dewitie undirwrittin, to be intromettit with and upliftit of the schippis, marcheandice and goodis arryveing within the said harborie, and to be Act in favour of the City of St. Andrews, granting to the magistrates thereof an impost for the next seven years on ships and goods arriving in their harbour, the proceeds to be expended in repairing the pier and harbour, now greatly decayed.

bestowit and imployit upoun the reparatioun of thair said decayit harborie :—that is to say, of ilk last of hering arryveing within the said harborie, fyve shillingis; of ilk twn of wyne, fyve shillingis; of ilk chalder salt, twa shillingis; of ilk last of taikill, fyve shillingis; of ilk last of lynt, fyve shillingis; of ilk last of hemp, thrie shillingis; of ilk last of oyll, vj ß. viij đ.; of ilk chalder of victuall laidnit at thair harborie and passing out of the cuntrey, vj ß. viij đ., and remaning within the cuntrey, xxxij đ; of ilk last of pik or tar, thrie shillingis; of ilk thousand salt fishe, vj ß. viij đ.; of ilk thousand dry fishe, iiij ß.; and of ilk hundreth of all kynd of tymmer, one: and the said impoist to be uptakin, the tua pairt of the goodis, and the thrid pairt of the schip: as alsua of ilk last of beir, iij ß.; of ilk thousand sclaittis, fyve shillingis; of ilk last of osmond yrne, iij ß. iiij đ.; of ilk last of gad yrne, v ß.: to be intromettit with and upliftit in maner abonewrittin: With power to the Provest, Baillies, and Counsaill of the citie of Sanctandrois and their successouris, and to thair collectouris, officeris, and utheris in thair namis, to ask, crave, ressave, intromett with, and uplift the impoist and dewitie abonewrittin of the commodityis, mercheandice and goodis arryveing within the said harborie and of the victuall passing furthe of the same, and yf neid beis to call and persew thairfoir, poind and distreynee for the same, and to lay arrestmentis upoun the ship, and to tak the saillis fra thair raes, quhill the impoist and dewitie abonewrittin be payit. And all thingis necessair for getting payment of the said impoist to do and use quhilkis of law or consuetude of this realme ar knowne to pertene: fferme and stable halding and for to hald all and quhatsomevir thingis salbe lauchfullie done heirin; ordaining the Lordis of Counsell and Sessioun to grant and direct letters ffor the dew and thankfull payment of the said impoist in forme as effeiris."

Acta Oct. 1612–Nov. 1614.

Fol. 54, a.

Act regulating that patents of monopolies in trades and inventions shall cease after three years, if not turned to *bona fide* use within that time by those to whom they have been granted.

"The Lordis of Secreit Counsaill undirstanding that divers personis hes purchest signaturis under his Majesteis hand contening sindrie liberteis and previlegeis, being of the nature of monopoleis, quhairby all utheris subjectis of the realme ar dischargeit of all useing or exerceing of the liberteis and previlegeis grantit unto thame, and quhenas thay haif gottin thair signatouris and patentis exped thay forbeir to follow oute that quhilk be the tennour of thair patentis thay haif undirtane, and debarris all utheris fra interprising or useing of that previlege grantit unto thame, to the grite hurte of the commoun weele and prejudice of his Majesteis subjectis who wald interprise, prosequute and follow oute the lyke workis; ffor remeid quhairof in tyme comeing, the Lordis of Secreit Counsell declairis and ordanis that, yf ony persone or personis who heirefter sall procure and purches ony suche signatouris and patentis to be exped unto thame sall for the space of thrie yeiris after the expeiding of thair patentis forbeir to prosequute and follow oute the worke undirtane be thame and the previlege grantit thairupoun, that then and in that cais thair signaturis, patentis and utheris rightis maid and grantit to thame salbe voyd, and haif no force, effect nor executioun thairefter."

missions. 161, a.

Licence to Johne, Earl of Montrois, to remain beyond the realm, renewed for five years, because through sickness and other causes he has been unable to use the former privilege. Signed by the Chancellor, Argyle, Kinghorne, Glasgow, Blantyre, A. Elphinstoun, Jo: Prestoun, and R. Cockburne. Renewal of licence to the Earl of Montrose to go abroad.

162, a.

Licence is given to Sir Williame Grahame of Claverhous to remain abroad for five years,—provided he attempt nothing against the King or the present religion during his absence. Signed by the Chancellor, Argyle, Kinghorne, Glasgow, Blantyre, A. Elphinstoun, Jo: Prestoun, and R. Cockburne. Licence to Sir William Graham of Claverhouse to go abroad.

erunts. 78, a.

"Ane act anent the intertenying of the bairnis of the Clangregour being in the Laird of Laueris handis, ordaning ten merkis to be payit be every landislord for everie merk land pertening to thame formarlie possest be the Clangregour for intertenying of the saidis bairnis for the monethis of Junij and July: and ordanis the landislordis who ar in this toun to consigne the sowme foirsaid in the handis of the Clerk of Counsell, with certificatioun to thame quho sall pas away without paying the said soume that thay salbe compellit to mak payment of the double." Sustenance of the children of the Clan Gregor.

creta June 2–Dec. 3. l. 206, a.

Sederunt—Chancellor; Bishop of Glasgow; Ergyle; Kinghorne; Lotheane; Blantyre; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Kilsyth; Sir Alexander Drummond; Sir Johnne Arnote. Edinburgh, 24th June 1613.

l. 206, b.

Complaint by Robert Steirling of Balquharrage, assignee constituted by Sir David Hering of Lethintie, that Sir Robert Creichtoun of Cluny, knight, remains unrelaxed from a horning of 13th June instant for not paying to pursuer as assignee 10,000 merks.—Pursuer appearing personally, and defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Caption against Crichton of Cluny for debt.

Complaint by Alexander Grahme, merchant, burgess of Edinburgh, assignee constituted by Sir David Hering of Lethintie, that Sir Robert Creichtoun of Cluny, knight, remains unrelaxed from a horning of 13th June instant for not paying to pursuer as assignee 8000 merks.—Pursuer appearing personally, and defender not appearing, the Lords give order as above. Another caption against the same.

l. 207, a.

Complaint by M^r^ Robert Scot, writer and indweller in Edinburgh, that Patrik, now Lord Sinclair, remains unrelaxed from a horning of 5th August last for not paying pursuer 3000 merks of principal and 500 merks of expenses.—Pursuer appearing personally, and defender not appearing, there is decree as above against defender. Caption against Lord Sinclair for debt.

Complaint by Johnne Lumisdane of Cushney, as follows:—Pursuer had on 18th February last appeared before the brethren of the exercise of Aufurd, to present some complaints against M^r^ James Leask, formerly Lumsden of Cushney against Mr James Leask, late minister of Cushney.

minister at Cusheney, but now suspended by his ordinary for his misbehaviour, and had begun to read at the desire of the brethren an acquittance from certain great sums of money signed by the said defender, when the defender, regardless of the occasion and place, had "violentlie pullit and reft the said acquittance out of the said complenaris handis," had torn it in pieces, and had cast it in the pursuer's face.—Pursuer appearing personally, and defender being personally present and having confessed to the charge, the Lords find that the defender has committed a "verie grite insolence, sclanderous to his professioun and calling, in ryveing of the acquittance foirsaid," and order him to be confined in the Tolbooth of Edinburgh at his own expense during the pleasure of the Lords. Decreta June 1612–Dec. 1613. Fol. 208, a.

Mr George Black, minister of Dunscore, against George and John Kirkpatrick for riotous behaviour in church and assault.

Complaint by Mr George Blak, minister at Dunscoir, as follows:—On Sunday, 18th April last, the pursuer, "haveing convenit with his parrochynnaris at the kirk thairof," had gone to the pulpit, "and for some certane space haveing handlit and oppynnit up his ordinarie text and mater of holie scripture that day befalling unto him," and for conclusion being "in the deliverie of some groundis of generall doctrine arryseing af his text, lippyning that nane durst have bene so insolent as to have quarrellit the said complenair at that tyme and in that place for his said generall doctrine (quhilk doctrine sensyne is by the bretherine of the exercise of Drumfreis ratifeit and approvin as sound and helthsome doctrine)," George and Johnne Kirkpatrik, sons of Sir Thomas Kirkpatrik of Cloisburne, "apprehending that the generall doctrine tuicheit thame," had unjustly taken offence at the pursuer; and the said George, "without respect had be him to the place, being the house of God, and to the tyme, being the Lordis holie sabboth," had "proudlie and avowedlie stood up upoun his feet," and, in presence of the whole congregation, "upbraidit the said complenair with mony injurious and reprotchfull speitcheis, saying 'Fals lowne and knave, ye ar over pert sua to preiche.'" Also, after sermon, while the pursuer "was sittand at denner with the elderis of the said kirk in the dwelling house of Harbert Annand," the said George, sword in hand, had violently entered the house, and had so fiercely attacked pursuer that, but for the providence of God and the help of the people present, pursuer would have been slain. Afterwards, while pursuer was standing in the kirk-yard, the said Johnne Kirkpatrik had come to him and had upbraided him; and, the pursuer "haveing than liftit his hatt af his head, and being standing beareheadit unto him," the said Johnne Kirkpatrik "with his fauldit neive schamefullie and unhonnestlie strak and dang" the pursuer on the face, to the great effusion of blood. Pursuer would have "patientlie comportit"; but, the matter being "of so dangerous a preparative," the brethren of the exercise of Drumfreis had urged him "to insist" against defenders.—Pursuer appearing personally, and defenders not appearing, the Lords find the charge proven, and order defenders to be charged to enter into ward within the tolbooth of Fol. 208, b. Fol. 209, a.

Decreta June 1612–Dec. 1613. Sederunts. Fol. 78, b.

Edinburgh within six days, and there to remain at their own expense during the pleasure of the Lords.

"Act anent the distributioun of the bairnis of the Clangregour." Clan Gregor children.

"Charge aganis the landislordis of the Clangregour anent that soume promeist to his Majestie be thame for making of thair landis peaceable." Clangregor.

"Charge aganis the Erll of Lynlythqw and the cautionaris for Patrik Aldochis sones to exhibite thame upoun the xv of July." Patrick Aldoch's sons.

"Charge aganis Pityallony to exhibite Johnne Dow M^{c}Allasteris sone." Dow Mac-Allaster's son.

"The Laird of Laueris promeist to delyver Johnne Dow M^{c}Gregouris sone to the Laird of Glenurquhy, who promeist to send him heir to this burgh." Dow Mac-Gregor's son.

"Proclamatioun that nane of the Clangregour who hes renunceit thair names keepe meetingis in ony nomber exceiding foure personis." Clangregor.

"The Laird of Buquhannane actit himself to enter the tua sones of young Malcome M^{c}Coull M^{c}Gregour whenevir he salbe chargeit." Malcolm Mac-Coull Mac-gregor.

"The Laird of Buquhannane cautionair for Johnne Dow M^{c}Nicoll in Downye." John Dow MacNicoll.

Acta Oct. 1612–Nov. 1614. Fol. 54, a.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Ergyll; Glencairne; Blantyre; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kildrymmie; Kilsyithe; Medop; Sir Johnne Arnott; Mr George Young. Edinburgh, 29th June 1613.

Fol. 54, b.

Petition from Franceis, Earl of Erroill, for leave to come to Edinburgh, on these grounds:—"The materis questionable betwix him and the Lairdis of Urie and Lesmoir anent the teyndis of the kirk of Cremond ar submittit be bothe pairtyis to the Archiebischop of St. Androis, and the tyme appointit for heiring of thame upoun the pointis of that submissioun now approcheth"; but, as the said Archbishop "is now resident in the burgh of Edinburgh and is to remain heir quhill Lambmas nixt," the hearing of the parties must necessarily be in Edinburgh.—The Lords, having ascertained from the Archbishop that the Earl's statement is correct, "gevis and grantis libertie and licence to the said Erll of Erroll to resoirt and repair to this burgh of Edinburgh, and to remane heir quhill the last day of July now approcheing, and in the meantyme of his remaning within this burgh ordanis and commandis him to keepe his ludgeing, and not to come furthe thairof, bot according as he salbe directit be the said Archiebischop of St. Androis for keeping of the tymes and placeis of meeting to be appointit be him anent the said submissioun; and that he confer with Maister Peter Hewatt, M^{r} Henrie Blyithe, and Maister Henry Charterhous for his resolutioun in suche headis of religioun whairof he standis in doubt. And commandis and ordanis him immediatlie after the said last day of July to go bak agane to his present warde and thair to remane conforme to the cautioun formarlie fundin be him to that effect." Act allowing the Earl of Errol to come to Edinburgh on private business, and to reside there till 31st July next.

Allowance of £4 daily to the Earl of Orkney.

"The Lordis of Secreit Counsaill commissionaris nominat be his Majestie for mannageing of his Majesteis rentis hes modifeit and allowit, and be the tennour heirof modifeis and allowis, to Patrik, Erll of Orknay, the soume of ffoure pundis daylie for his interteynment fra the iij day of Aprile last, and in tyme comeing during his Majesteis will and whill his Heynes speciallie discharge the same; and ordanis his Majesteis Thesaurair and Comptroller Depute to answer and mak payment to the said Erll of Orknay, and utheris haveing power and commissioun from him, of the daylie allowance abonewritten, fra the said iij day of Aprile last and in tyme comeing during the space abonewritten; wher- Fol. 55, a.
anent the extract of thir presentis salbe unto the said Thesaurair Depute ane sufficient warrand." Acta Oct. 1612–Nov. 1614.

Scone and Burley.

"Ane missive frome his Majestie anent the Lordis of Scone and Burley." Sederunts. Fol. 78, b.

June 1613. Commission for the trial of James Brown for murder.

Commission under the Signet, signed by the Chancellor, Hammiltoun, Abercorne, and Blantyre, to the Provost and Bailies of Jedburgh to try James Broun, now in the tolbooth there, for the murder of Richard Broun in Bonejedburgh in the smiddy of on May last. Commissions. Fol. 162, b.

The *Minute Book of Processes* gives the following memoranda collectively for the month of June 1613:— Minute Book of Processes.

Suspensione: Johne Pringle against Johne Thomsone.

Act for payment to the Lord Uchiltrie of £1100 after compt and reckoning with him anent his Majesteis affairis.

Rebellione: James Hamiltoun against the Lord Uchiltrie.

Wrongous imprisonment: Johne Mudie against Sir David Cluny.

Rebellione: Mr George Halliburtoun against Johne Lyon.

Proces: the nearest of kin of umquhile Alexander Sandisone against Grant of Ballindalloch for exhibiting of William Grant and utheris rebellis.

Rebellion: Sir Andro Agnew against Johne Muir.

Diligence: Captain Sinclar against the Lord Sinclar.

Ryott: James Turnbull against Johne Pringill.

Supplicatione: the baxteris of the Canongate against the Magistratis thairof for liberty to build thair dask in the kirk.

Deforcment: Duncan Campbell against Alexander Windraham.

Act of cautione: Rorie M°Kenze for appearance of Gormok of Slaitt.

Supplicatione: Thesaurer against George Mitchelson for exhibiting of tuo velvet bordcloathes pertaining to the Kingis Majestie.

Proces: Hary Skirtoun against William Ker for oppressione and challeng to the combatt.

Act setting doun the pryces of the severall species of gold.

Precognitione against Lord Scon and Lord Balfour.

Ryott: Mr Robert M°Ildonny against Lord Torthorwald.

Supplication: Sir Johne Brewar against the Lord Uchiltry for releiff of cautionerie.

Minute Book. June 1613.

Oppressione: Countesse of Arroll against William Hay.

Rebellion: Johne Murray against Sir James Douglas.

Ryott: Mark Gladstanes against James Guidlett.

Warrand to charg Sir Robert Creichtoun to exhibit W^m Andersone for a ryott against M^r Robert Biggar.

Act discharging landslords from unwarrantable levieing from fermoreris of the Kingis taxatione.

Diligence: Georg Mowatt against George Gordon.

Rebellion: James Reull against Thomas Hoom.

Suspension: James Fforbes against Gilbert Jonstoun.

Rebellion: Johne Lowrie against the Master of Tullibardin.

Letteris: George Barr against Georg Eistoun to hear sentence pronunced in ane ryott remitted to the baylies in respect of ther refusall to determin thairintill.

Ryott: William Carrutheris against William Carlyll.

Ryott: Baylie of St. Andrews against Patrik Lermonth.

Rebellion: Johne Ramsey against David Fforrett.

Rebellion: Johne Adamsone against David Reid.

Rebellion: Alexander and Robert Couperis against Johne Crichtoun.

Rebellion: Hendry Wardlaw against Georg Graham.

Proces: Advocat against Hary and Alexander Ryndis for wearing pistollis.

Act commissionating Rory M^cCleud, &c., to persew Malcolm M^cCleud and utheris tratouris in the Lewes.

Act in favouris of the toun of St. Androis for ane impost of wyne, &c., for repairing the harbory thairof.

Rebellion: Johne Gourley against Walter Scott.

Ryott: David Ffergusone against Corrie of Kelwood.

Ryott: Cassillis against Corrie of Kelwood.

Precognition against Sir James Dundas and M^r Samuell Cokburne.

Protestatione: Mr William Douglas against Alexander Innes.

Ryott and Deforcment: Johne Marshall against Hary Greg.

Supplicatioun: Earle Arroll, papist, for having libertie to compeir befor the Lord St. Androis, to whom a busines betuix him and the Laird of Urie wes submitted.

Petitione for payment to the Earle of Orkney, prisoner, for payment of ane allowance for his intertainment.

Witnesses: Braibner against Creich.

Witnesses: Mr Georg Blak against Georg Kilpatrik.

Acta Oct. 1612–Nov. 1614. Fol. 55, a.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Ergyll; Lynlythqw; Kinghorne; Bishop of Caithnes; Blantyre; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Kilsyithe; Sir Alexander Drummond; Sir Johnne Arnott; Mr George Young. Edinburgh, 1st July 1613.

Submission to the Council by the Lords of Scone and Burley.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie David, Lord of Scone, and Michaell, Lord Balfour of Burley, and declairit that thay, for testificatioun of thair humble and willing dispositioun to his Majesteis obedyence, wer content to submitt, lyke as be the tennour of this present act thay do freelie and willinglie submitt, the present controversie standing betwix thame to the Lordis of his Majesteis Previe Counsell, and promeist, actit and oblist thame to underly and fulfill whatevir the saidis Lordis wald decerne, pronunce, and adjoyne unto thame in that mater." Acta Oct. 1612–Nov. 1614.

Judgment by the Council in the whole matter of the quarrel between the Lords of Scone and Burley: acceptance of the judgment by the said lords; their consequent reconciliation, and the liberation of Burley from his ward.

"The Lordis of Secreit Counseill haveing acceptit the submissioun abonewrittin in and upoun thame, and haveing at lenthe hard bothe the saidis pairtyis upoun the ground and occasioun of the present greif, displeasour, and unkyndnes standing betwix thame, and being weele advisit with all that wes proponnit and alledgeit be ather pairtye thairin, the saidis Lordis hes decernit, decreitit, and delyverit thairintill as followis; to witt:—

The Lordis ffindis that, the Lord of Burleyis quarrell being the speecheis whilkis he wes informit to haif bene reportit to his prejudice be the Lord of Scone to his Majestie, off the whilkis speecheis his Majestie be his letter to the Counsell hes cleirit the Lord of Scone, that thairfoir the Lord of Burley is fullie satisfeit in reasoun with the Lord of Scones relatioun in maner foirsaid being in it selff trew and aggreable to the conference past betwix thame at thair rencounter in England.

And, whairas the Lord of Scone thoght him selff interessed and wronged be the Lord of Burley, the day thay wer befoir the Counsell [*ante*, p. 61], alsweele in respect of the tennour of the letter as of the tyme of the delyverie thairof, thay being to the contrair upoun thair faithe and honnour, the Lordis declaris that no wilfull wrong wes done to the Lord of Scone be the delyverie of the letter, because the Lord of Burley hes declairit upoun his aith and honnour that, the letter being writtin be him when thay wer bothe free, and gevin to ane freind to be caryed to the Lord of Scone, thairefter thay being broght befoir the Counsell, and befoir thay wer dismissit being bundin be write and aithe not to send accept nor conceill ony challange, and the letter not being delyverit befoir that tyme, he nather knew, directit, nor allowit the delyverie of the letter at suche tyme as he could not haif sent it without perjurie nor the Lord of Scone haif answerit it without dishonnour; so as nather the Lord of Scone is thareby interessed, nor ony fault to be imputt to the Lord Burley, bot of negligence in not taking ordour to stay it undelyverit. Fol. 55, b.

And, for the substance of the letter, the Lordis haveing tryed that the Lord of Burley preissing the Lord of Scone outher to cleir him be his testificatioun in wryte that he had not spokin to his Majestie the wordis contenit in the Lord Burleyis challange, or els to feght him for reparatioun of the wrong whilk he supponit he might sustene be that

reporte, and undirstanding be declaratioun of bothe pairtyis that the Lord of Scone had avowit alsmekle of the substance of the challange as his Majestie be his letter hes refuseit to haif beene spokin to him be the Lord of Scone, and that the Lord of Scone offerrit to feght him upoun the treuthe of that speeche incaise the Lord Burley wald found his quarrell thairupoun, thairfoir the Lordis ffindis the Lord of Scone to haif beene trew in these his speecheis, and to haif offerrit to justifie the same as become ane man of honnour and courage; and that the Lord of Burley acknowledgeis, and all men of honnour hes reasoun to repute and accompt, the Lord of Scone ane nobleman of honnour and courage, and that thair reconsiliatioun upoun thir termes is aggreable to thair dewitie and honnour.

And, the saidis Lordis haveing intimat this thair decreete and sentence to boithe the saidis pairtyis, and causit the same to be red in thair audience, the saidis pairtyis declairit upoun thair honnour that thay stoode content thairwith, and promeist to keepe freindship, the one with the uther, as yf no suche mater of quarrell had intervenit betwix thame; and in taiken of this thair reconsiliatioun and aggreement thay choppit handis with all outward shawis of love and freindship.

Fol. 56, a. The Lordis of Secreit Counsaill, in respect of the present reconsiliatioun and aggreement betwix the Lordis of Scone and Burley, hes dischargeit and be the tennour heirof dischargeis, all actis and bandis quhairby thay and ather of thame wer bundin to utheris for observing of his Majesteis peace, and for not directing and ressaveing of challangeis the one from the uther; and declairis the saidis actis to be voyde, and thay and thair cautionaris to be free thairof in tyme comeing; and releveis the Lord of Burley of his warde, and grantis him libertie to pas quhair he pleis."

Decreta June 1612–Dec. 1613. Fol. 209, a.

[Sederunt as recorded above.]

Edinburgh, 1st July 1613.

Caption against Crawford of Dunduff for debt.

Complaint by Helene Skarlett, relict of George Hoddum, merchant, burgess of Edinburgh, that James Craufurd of Dundyffin remains unrelaxed from a horning of 11th June 1612 for not paying pursuer 600 merks of principal and £50 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, there is order to the Captain of the Guard to apprehend pursuer, seize his houses, and inventory his goods for the King's use.

Fol. 209, b.

Dunbar of Hemprigs against Grant of Rothiemurchus, his son, and others, for violent mischief.

Complaint by William Dunbar of Hemprigis, as follows:—On 9th October 1511, Patrik Grant of Rothiemurchus, accompanied by his son, Johnne Grant, Johnne Sinclair, Johnne Taillour, Thomas Tailyeour, Donald Mowlane, and Frances Jak, tenants and servants to the said Patrik Grant, and others to the number of fifteen, "all bodin in feir of weir, with swerdis, gantillatis, plaitslevis, bowis, darlochis, targeis, and utheris wapponis invasive," had come to pursuer's lands of Hemprigis,

"and thair with thair horsis, goodis and bestiall eittit, trampit, and distroyit ane haill shote or shade" of pursuer's corn, which was "standing stoulked thairupoun." They had then "yockit" ploughs, and with their horses and oxen had trampled and destroyed "ane haill shaid" of wheat lately sown, which was then "abreird" four inches above the ground.—Pursuer appearing personally, and the defenders not appearing, the Lords order defenders to be denounced rebels. Decreta June 1612–Dec. 1613. Fol. 209, b.

William Buy against John Murdo for assault.

Complaint by William Buy, "baillie clerk of Lawdirdaill," as follows: —On 10th June last, while pursuer was coming from Merse towards his own house in the town of Lawder, Johnne Murdo, miller at Liggertoun Mylne, armed with "ane lang staulf or grite kent haveing ane lang prick of irne in the end thairof," had lain await for him on the highway between Sanctleonardis and the Barnis. When the said Johnne Murdo saw the pursuer (who from his youth had wanted an arm), he attacked him with the staff, and "ran him throw the noise thairwith" to the great effusion of blood, and "gaif him mony bauch, bla, and bloody straykis." He left pursuer for dead on the ground, and took away with him pursuer's purse, cloak, and sword.—Pursuer appearing personally, and defender not appearing, the Lords order defender to be denounced rebel. Fol. 210, a.

Caption against Peter Hay of Kirkland for debt.

Complaint by Sir James Lundyn, knight, that Petir Hay of Kirkland remains unrelaxed from a horning of 6th January last for not paying pursuer 700 merks,—being his share of 2100 merks specified in the letters of horning,—together with 100 merks.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 210, b.

Caption against Symington of that Ilk for debt.

Complaint by George Hamiltoun of Blakburne, that Johnne Symontoun of that ilk remains uurelaxed from a horning of 13th April last for not paying to pursuer 1000 merks of principal, "with the haill byroun annuellis" of 20 bolls of victual owing to him, or the price thairof; together with £100 of expenses.—Pursuer appearing by Archibald Douglas, macer, his procurator, and defender not appearing, decree as above is given against defender. Fol. 211, a.

Commissions. Fol. 163, a.

1st July 1613. Commission to the Earl of Mar for the apprehension and examination of Robert Erskine and his three sisters, accused of conspiracy to poison their nephews.

Commission under the Signet, signed by the Chancellor, Blantyre, and Jo: Prestoun, to Johne, Earl of Mar, Lord Erskin, and such of his friends and servants as he shall appoint, to apprehend and examine Robert Erskin, son of the late Johne Erskin of Logie, Helene, Issobell, and Annas Erskin, his sisters, and Robert Kirk in Cottertoun of Logie, on the charge of conspiring by poison against Johnne Erskin of Dwne, and Alexander Erskin, his brother. The eldest, a boy not over twelve years, has departed this life; and his brother has recovered with great difficulty.

Commission for the apprehension of Thomas and William Weir, at the horn for the

Commission under the Signet, signed by the Chancellor, St. Androis, Argyle, Kinghorne, and A. Elphinstoun, to Waltir, Lord Scot of Bugcleuche, the Captain and Lieutenant of the Guard, William Creichtoun of Ryhill, and Johnne Carmichaell of Abintoun, to apprehend and present to justice Thomas and William Weir, sons of Waltir Weir of Fol. 163, b.

Commissions. Fol. 164, a.

Nether Newtoun, who were put to the horn on 30th June 1607, at the instance of Elizabeth Scot, Lady Craufurd, mother of the late William Carmichaell, Johnne Carmichaell of Medowflat, his eldest brother, Waltir Carmichaell, his brother, and his remaining kin, and Sir Thomas Hammiltoun of Byris, King's Advocate for the time, for not finding caution for their appearance before the Justice for the slaughter of the said William Carmichaell.

slaughter of William Carmichael.

Sederunts. Fol. 79, a.

"The quhilk day Sir Duncane Campbell of Glenurquhie, knight, directit and send heir to this burgh M^cGregour, sone to umquhile Johnne Dow M^cGregour, quho wes delyverit to the Provest of Edinburgh and be him directit and send with his awne man to the Tolbuithe of Edinburgh."

Edinburgh, 3rd July 1613. Son of John Dow Macgregor.

Commissions. Fol. 165, b.

As the King understands that Thomas Foullis, goldsmith, burgess of Edinburgh, has undertaken at his own expense "to set many of his Heynes subjectis aworke for the extracting of silver out of leade or leade ore, and for converting of lead or lead ore into litarge, or into quhyte and reid lead, or into ceruse," by a new process, he therefore, with the advice of Sir Gedeon Murray of Elibank, Treasurer-Depute, and the other Lords of Council who are Commissioners of Rents, and with the advice of Sir Thomas Hammiltoun of Byris, Secretary, and Master of the Mines in Scotland, grants full permission under the Great Seal to the said Thomas and his assignees to work the said lead and to export it to all parts; "to erect and set up all suche furnaceis and fireworkis of division for melting, roasting, prepairing, or wourking of all maner of mettallis, ores, minerallis, or materiallis quhatsoevir, for all useis and purpoises, with pitt coale, sea coale, earth coale, stone coale, peate, turffe, flagg, or brush fewell, and all, everie or ony of thame, in and by bloomreis, fynereis, chafferyis, and in and by fyre workis and furnaceis of division of quhat forme or fasheon quhatsoevir, wherin the mettalles, ores, minerallis, or materiallis to be melted, roasted, prepaired, or wroght, salbe in heating, melting, prepairing or working, and also, being heate, melted, and unrunne out, kepit dividit and distinctlie seperated frome the fewell, so as no substance of the fewell but only the heate and flame thairof can toutche the mettallis, ores, minerallis, or materiallis"; and to acquire all necessary instruments and means,—namely, "all workhousis, furnaceis, bloomeryis, fynereis, chafferies, forgeis, heartheis, clampis, kylnes, boylereis, mylnes, stauckures, engynes, vessellis, testes, tooles, devyses, or thingis of iron, or uther stuff," and also all new things invented or devised by the said Thomas or others, with "pitt coale, sea coale, earth coale, ston coale, moore coale, peate, turffe, flagg and brush fewell." The sole right of extraction, manufacture, and export is granted to the said Thomas and his assignees for thirty-one years,—provided he pay yearly to the Exchequer at Michaelmas the tenth part of his profits. This grant is without prejudice to anyone who will extract silver out of lead, &c.,

Fol. 166, b.

Otlandis, 5th July 1613. Grant to Thomas Foullis, goldsmith, of a monopoly for 31 years of his processes for extracting silver out of lead ore, and for converting lead or lead ore into litharge, white and red lead, or ceruse.

according to the methods formerly in use. The present gift, moreover, shall be void if not put into execution within three years. Signed by the Chancellor, Argyle, Glasgow, Lotheane, Sir T. Hammiltoun, and G. Murray. Commissions. Fol. 167, b.

6th July 1613. *Sederunt*—St. Androis; Kinghorne; Bishop of Caithnes; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Master of Elphinstoun; Kilsyithe; Sir Alexander Drummond; Sir Johnne Arnott; Mr G. Young. Sederunts. Fol. 79, a.

6th July 1613. Licence to William Sinclair to go abroad.

Licence to William Sincler, apparent of May, to go abroad and remain for three years without skaith to his person or property, on condition of his good behaviour. Signed by St. Androis, Kinghorne, Jo: Prestoun, Cathnes, Sir T. Hammiltoun, R. Cocburne, and A. Drummound. Commissions. Fol. 164, b.

Edinburgh, 8th July 1613. *Sederunt*—Chancellor; Bishop of Sanctandrois; Bishop of Glasgow; Ergyll; Glencairne; Wigtoun; Kinghorne; Lotheane; Bishop of Caithnes; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kildrymmie; Kilsyithe; Bruntyland; Medop; Sir Peter Young; Sir Johnne Arnott; Mr George Young. Acta Oct. 1612–Nov. 1614. Fol. 56, a.

Voluntary offer by the Earl of Argyle to his Majesty of 22½ per cent. of all the moneys that have come to the said Earl, or may come to him, as entitled to the fines imposed upon resetters of the Clan Gregor.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Archibald, Erll of Ergyll, his Majesteis Lieutenant and Justice aganis the Clangregour, and donatour to the haill fynes whairin the persone or personis quhatsomevir ressettaris and intercommonaris with the Clangregour ar or salbe decernit and adjudgeit for thair ressett, supplee and intercommoning with thame, and maid ane free and willing offer to his Majestie of the soume of twentie twa pundis x ŝ. oute of every hundreth pundis of the saidis fynes quhilkis ar alreddy or heirefter salbe decernit aganis the saidis ressettaris, supplearis and intercommonaris with the said Clangregour, sua that his Majesteis Thesaurair and officiaris in his Majesteis name may freelie and peceablie intromett thairwith at thair pleasour; and he promeist to be comptable to his Majesteis Thesaurair and ressavearis for the said soume of xxij l̃ib. x ŝ. oute of everie hundreth pundis of the saidis fynes alreddy intromettit with be him or quhilkis heirefter salbe intromettit with be him."

Edinburgh, 8th July 1613. [Sederunt as recorded above.] Decreta June 1612–Dec. 1613. Fol. 211, b.

Caption against Sir Andrew Balfour of Montquhany for debt.

Complaint by Henry Orrok of that ilk that Sir Andro Balfour of Montquhany, knight, remains unrelaxed from a horning of 16th April last for not paying to pursuer 767 merks as the half of 1534 merks, together with the half of £20 of expenses and £5 of collector's silver, as specified in the letters of horning.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

reta June –Dec. 212, a.

Caption against Alexander Blair for debt.

Complaint by William Wallace that Alexander Blair in Haltoun of Loncardie remains unrelaxed from a horning of 27th June 1612 for not paying to pursuer 300 merks of principal, and £20 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order against defender as above.

Caption against Wardlaw of Torrie for debt.

Complaint by William Cairny of Pittiecommoun, "as be provisioun of umquhile Thomas Toshauche of Mekven," that Andro Wardlaw of Torrie remains unrelaxed from a horning of 18th January last for not "refounding, contenting and paying to him of twa annuel rentis," the one of £100, the other of 70 merks yearly, from the lands of Torrie, in the years 1599 and 1600.—Pursuer appearing by Alexander Douglas, macer, and the defender not appearing, the Lords give order against defender as above.

212, b.

Caption against Peter Hay of Kirkland for debt.

Complaint by Thomas Hunter, merchant, burgess of Edinburgh, that Petir Hay of Kirkland remains unrelaxed from a horning of 14th May last for not paying to pursuer 400 merks of principal, and £40 of expenses.—Pursuer appearing personally, and defender not appearing, there is order as above against defender.

213, a.

James Gordon denounced for assault on Duncan Buy.

Complaint by Duncane Buy in Plane, as follows:—Pursuer, while returning "in sober and quiet maner" from the burgh of Striveling to his house in Plane, on 28th December last, was assaulted on the highway by James Gordoun, son of Gordoun, tailor in Dunblane, who was "bodin in feir of weir." Pursuer was cruelly treated, receiving three or four deadly wounds in the head and a "grite stryke" on the right arm, and was left for dead.—Pursuer appearing personally, and defender not appearing, the Lords order defender to be denounced rebel.

213, b.

Caption against Crichton of Cluny for debt.

Complaint by Mr Petir Kinloche, writer, that Sir Robert Creichtoun of Cluny, knight, remains unrelaxed from a horning of 25th June last for not paying to pursuer £600 of principal, and 100 merks of expenses.—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his honses, and inventory his goods for the King's use.

214, a.

Sir Robert Bruce of Clackmannan against Patrick Bruce of Fingask for interrupting a funeral.

Complaint by Sir Robert Bruce of Clakmannane, knight, and Robert Bruce, his son and heir, as follows:—Margaret Bruce, second daughter of the said Sir Robert, having died at his place of Gastounhall on 19th September last, during the absence of the said Sir Robert, the said pursuer, upon receiving information from his wife, sent his said son to have the corpse buried in his parish kirk of Rait, and in that part thereof where "utheris of his bairnis and some of the freindis of his house wer formarlie bureyed." Sir Robert's son, accompanied by two of his father's servants, "past in a verie modest, quiet, and peciable maner to the said kirk," to give the necessary directions for opening the grave and making ready for the burial. While they were within the kirk, Patrik Bruce of Fingask, hearing of their proceedings, and "finding the time and occupatioun verie fitt and proper for him to execute suche

hid and detestable practizeis as formarlie he had resolved aganis the said Sir Robert or his sone," assembled together his friends, tenants, and servants, to the number of four score, armed with "jakis, lances, steilbonnettis, halbertis, gantillatis, plaitslevis, and utheris wapponis invasive," and marched with them to the kirk. Sir Robert's son, "heiring the dyn and noyse of the people," as they were coming towards the kirk, closed the doors. The said Patrik, thus baffled, "preist to have forced and brokin up the duris," and to have entered and slain the said Robert, had not Lord Erskin, who was near and heard of the trouble, come with some "weill affectit cuntrey men" and stayed him from doing further harm.—Pursuers appearing personally, and defender likewise being personally present, the Lords assoilzie the defender *simpliciter*, because pursuers have failed to prove their charges. Decreta June 1612-Dec. 1613. Fol. 214, b.

Ninian M^cMorran, elder, and Ninian M^cMorran, younger, against Mr Walter Ballingall and others for illegal distress.

Complaint by Niniane M^cMorrane, elder, merchant, burgess of Edinburgh, and Niniane M^cMorrane, younger, "both portionaris of his Majesteis proper landis of Kingisbarnis," as follows:—Pursuers hold the said lands for a certain yearly feu duty, paid either in victual or in money, according to the prices set yearly; and the said Niniane M^cMorrane, elder, on behalf of pursuers, has always delivered the same to Robert Arnote of Fairny, Chamberlain of Fyff, who "nevir cravit ony pairt thairof fra the said Niniane M^cMorrane, younger." Niniane M^cMorrane, elder, having received a precept from the Chamberlain for last year's duty, accordingly paid the "most pairt" of the same, and "that quhilk resteth thairof unpayit for the pairt of the said Niniane, younger, wes by him of long tyme syne deliverit to his said uncle to be gevin to the said Chalmerlane, quhenevir he sould call for it, according as the said Chalmerlane yeirlie hes bene in use to ressave the same frome him." But, upon 30th June last, Mr Waltir Ballingall, Johnne Ballingall, his son, William Fairnie in Falkland, Andro Batie, cooper there, and Johnne Ryshdow there, came by direction of the said Chamberlain to the house of Niniane M^cMorrane, younger, at Kingisbarnis, where, in the Chamberlain's name, they asked payment of his share of the first term's tax. Niniane, younger, thankfully paid the same, and asked them if they had "ony forder to crave of him." They replied that they had nothing to say, except that the Chamberlain desired them to "speir gif the rest foirsaid of the said last yeiris dewtie wes in reddynes, and quhen the said Chalmerlane sould look for it." Niniane, younger, then "shew unto thame the said rest of the said yeiris dewtie wes of long tyme syne ready in the hands of his said uncle," to be given to the Chamberlain when he "sould call for it." The said persons thereupon departed "verie contentitlie." But, the said Niniane having immediately after set out on business to Sanctandrois, the said persons, hearing of this, returned to Kingisbarnis the same day, and in a most insolent manner "reft" a mare from the said Niniane's servants, two mares from Thomas Andirsone, his tenant, a horse from Johnne Brudie, tenant to Niniane the elder, and a horse from , also a tenant Fol. 215, a. Fol. 215, b.

Decreta June 1612–Dec. 1613.
Fol. 215, b.

of the latter. "They sett ane boy upoun ilk of the same horsis and meiris, and at the full speid and gallop ran the same thre myllis, caryed thame to Falkland, and as yit keipis the same."—Pursuers appearing personally, and defenders (*i.e.* all except Robert Arnote, against whom the pursuers did not press their suit) not appearing, the Lords find the charge proven, and order the defenders to be charged to enter into ward in the Tolbooth of Edinburgh within six days, and there to remain at their own expense till the Lords "tak forder ordour for thair punishment."

Fol. 216, a.

The Provost and Bailies of Linlithgow against Thomas Foullis for drawing water away from the town's corn-mill.

Complaint by the Provost and Bailies of Lynlithgow, as follows:—The burgh being "a verie poore burgh, without trade or handling, and haveing litle or no commoun good quhairby thay may beir out and sustene the commoun burdynis of the said toun," they had built a long time ago a corn mill—"ane gangand mill with watter gangis"—and had "thirlit thair haill toun" to the same. They and their predecessors past memory have been in peaceable possession of the same, "and of the watter gang"; but, in June last, Thomas Foullis, "who hes the chairge of his Majesteis mynes," had diverted and drawn the water from its accustomed course to use at his Majesty's mills, which had been recently built beside the pursuers' said mill, thereby rendering pursuers' mill "altogidder inutile and unproffitable unto thame, to the grite hurte, wraik and inconvenient of the said burgh."—The Bailies of the burgh appearing personally, and defender being likewise present, the Lords remit the matter to the Lords of Council and Session.

Fol. 216, b.

Edinburgh, 8th July 1613.[1]

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Ergyle; Lotheane; Bishop of Caithnes; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Sir Petir Young; Sir Johne Arnote; Mr George Young.

To denounce George Home, Robert Heriot, and others for the forcible abduction of Jean Howie-son.

Complaint by Jeane Howiesoun, daughter of the late Alexander Howiesoun, merchant, burgess of Edinburgh, George Wauchop of Gleghorne, James Ainslie, and Johnne Murray, merchants, burgesses of Edinburgh, and Abrahame Wauchop in Leyth, curators for the said Jeane, for their interest, and George Fawsyde of , for his interest, as follows:— The said Jeane, with the consent of her curators, made choice of the "house and company of the said George Fawsyde for the place of hir aboad,—his wyff being hir neir aunte and fader suster,"—and was "most kyndlie interteynit and used with all suche respectis as could be expectit from loveing and tendir freindis." She stayed there several months and suspected no molestation, "the rather for that the same [house] wes so neir to the place of the Lordis of his Majesteis Prevey Counsallis residence and Colledge of Justice." But, upon 6th July instant, between 9 and 10 o'clock at night, George Home, portioner of

[1] Probably *post-meridiem*.

Gullane, Robert Heriot, younger, of Trabroun, James Dalmahoy, son of the Laird of Dalmahoy, Gilbert Douglas, son of George Douglas of Langnidrie, and Johnne Moresoun, servitor to the Laird of Dalmahoy, with others, came, in the absence of the said George Fawsyde, to his house in Prestoun Panis, and, finding the gates open, passed into the house; where, seeing the said Jeane Howiesoun in the hall, "and entering in familiar discoursis with hir, thay trayned hir to the hall dure, and thair thay laid handis upoun hir, hurlit hir violentlie doun the stair, closit and loked the yetis of the house, sua that nane sould come out to mak ony noyse or dyn." They then carried her on horseback to the place of Dalmahoy, "quhair sho wes resset be the laird, and is still keipit and detenit aganis hir will."—The said James Ainslie and George Fawsyde appearing personally, and the defenders not appearing, nor having presented the said Jean Howiesoun according to the charge given them, the Lords of Secret Council order the defenders to be denounced rebels. Decreta June 1612–Dec. 1613.

8th July 1613. Licence to Mr Richard Melville to go abroad.

Licence to M^r Richard Melvill of Baldevy, minister at Maritoun, to go abroad and remain for three years, without skaith to his person or property here, on condition of his good behaviour during his absence. Signed by the Chancellor, Sanctandrois, Argyle, Glencarne, and Kinghorne. Commissions. Fol. 164, b.

MacLeod of Harris.

"Three missives frome his Majestie in favouris of M^cCleud of Hereis." Sederunts. Fol. 79, a.

Laird of Clackmannan.

"The Laird of Clakmannane committit to warde within the Castell of Edinburgh ffor the contempt and indignitie done be him at the Counsalhous dur, in uttering of some minassing and quarrelling speecheis aganis Patrik Bruce of Fingask." Fol. 79, b.

Landlords of the Clan Gregor.

"Chargeis ordanit to be directit aganis the landislordis of the Clangregour, who hes not tane the bairnis of the Clangregour af the Laird of Laueris handis, for payment to him of the soume of xx merkis oute of every one of thair merk landis possest formarlie be the Clangregour."

Laird of Kilnode.

"The quhilk day the Laird of Kilnode his warde wes transportit fra the Tolbuithe to the Castell of Edinburgh."

Edinburgh, 13th July 1613.

Sederunt—Chancellor; St. Androis; Glasgow; Ergyle; Lotheane; Bishop of Caithnes; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Medop; Sir Peter Young; Sir Johnne Arnott; Mr G. Young.[1] Sederunts Fol. 79,

Obligation by Donald MacLeod, son of the late Neill MacLeod of the Lewis.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Donald M^cCleud, sone to umquhile Neill M^cCleud in the

[1] At the right-hand corner the name "Stercovius" is jotted in a neat hand. It is repeated under the *Sederunt* of the next entry, July 14th; but it is there scored out in a most thorough manner. Was this a mere whim of the clerk, who spent some of the time at his disposal in copperplating the name of the notorious S.?

Sederunts. Fol. 79, b.

Lewis, and actit and oblist him that within the space of ane moneth after his releif furthe of warde within the Tolbuithe of Edinburgh, quhair he now remanis, he sall depairt and pas furthe of this kingdome, and not returne agane within the same during his lyvetyme, and failyeeing thairof that he within the said space of ane moneth sall find sufficient and responsall cautioun actit in the buikis of Secreit Counsaill for his goode behaviour in tyme comeing and for his personall compeirance befoir the saidis Lordis when he salbe lauchfullie chargeit to that effect, under the pane of fyve hundreth merkis; and, yf he failyee, the said space of ane moneth being bipast, and nouther depairt furthe of this realme nor yitt find the said cautioun as said is, he is content and be the tennour of this present act consentis that he be execute to the deade without favour."

Acta Oct. 1612-Nov. 1614. Fol. 56, b.

Sederunt—Chancellor; Bishop of Glasgow; Secretary; Treasurer Depute; Clerk of Register; Advocate. Edinburgh, 14th July 1613.

Enumeration of persons in the Stewardry of Menteith fined for reset of the Clan Gregor, with specification of the amount of the fine in each case.

"Forsamekle as the ressettis and supplee, whilk the rebellious thevis and lymmaris of the Clangregour hes had in divers pairtis of the cuntrey, being the cheif and principall caus whiche encourageit thame to continew in thair rebellioun, &c. [*continued preamble in the same words as in the similar Act, ante*, p. 51]. According quhairunto the commissionaris within the stewartrie of Menteith in the courtis of tryall haldin be thame in the town of Doune in Menteith within the castell thairof, upoun the 28, 29, and penult dayis of Januair 1612, did call and convene befoir thame the personis particularlie underwrittin, ressettaris, supplearis, and intercommonaris with the Clangregour and accusit thame [*preamble continued as in Act, ante*, p. 52]. Quhilk being oppynnit in the saidis Lordis presence, and the processis being red, hard, seene and considderit be thame, and thay being thairwith weele advisit, the Lordis of Secreit Counsaill findis and declairis that the personis particularlie undirwrittin ar guiltie and culpable of the ressett, supplee and intercommoning with the Clangregour aganis his Majesteis lawis and proclamationis in maner specifeit in the processis returnit unto the saidis Lordis frome the commissionaris abonewrittin beiring the judiciall confessioun of the saidis personis, and thairfoir the saidis Lordis hes decernit, adjudgeit, and fyned the personis particularlie undirwrittin and everyone of thame in the soumes of money following:—viz., Murdo M'Grewair in Soverie, in the soume of fiftie pundis; Thomas M'Clachar in Ascheltie, in the soume of ten pundis; Finla Kear in Carbonarrach, in the soume of twentie pundis; Malcolme M'Farlane in Gartavartane, in the soume of ane thousand merkis; Johnne Dow M'Farlane in Gartavarrane, in the soume of twentie pundis; Walter M'Watt, thair, in the soume of ten pundis; Donald M'Watt, thair, in the soume of ten pundis; Duncane Dow M'Farlane, oistlair thair, in the soume of twentie pundis; Williame Blair in Gartmule, in the soume of ten merkis; Johnne Lany in Monwrachie,

Fol. 57, a.

in the soume of ten pundis; Robert M^cCalpie in Craknarrane, in the soume of ten merkis; Patrik Grahame in Carrachie, in the soume of foure pundis; Andro M^cFarlane in Inshye, in the soume of twentie merkis; Johnne M^cAndro Buquhannane in Portnellie, in the soume of ten merkis; Johnne Steuart, thair, in the soume of twentie merkis; Donald M^cKerres in Cragane in Strathyre, in the soume of twentie merkis; Marion M^cInteir in Cragane, in the soume of ten merkis; Johnne Butloch in Cragane, in the soume of ten merkis; Callum M^cBae in Brokland, in the soume of twentie merkis; Donald M^cBae, thair, in the soume of ten pundis; Donald M^cPatrik in Ballichallum, in the soume of ten merkis; Finla M^cGrewar in Caldhame, in the soume of fiftie pundis; Callum M^cGreuar in Calyiebaillie, in the soume of ten merkis; Johne M^cGrewar in Denislundie, in the soume of ten merkis; Moreis Patersoun in Argateis, in the soume of ten merkis; Johnne M^cAndiche in Tawrie, in the soume of ten merkis; Patrik M^cCallum in , in the soume of ten merkis; Johnne Bayne M^cNeill in Blarvyok, in the soume of ten merkis; Robert M^cKerliche in Laidard, in the soume of ten merkis; Johnne Smithe, thair, in the soume of ten merkis; Johnne Lany in Drumleane, in the soume of ten merkis; Duncane M^cErchar in Glaschar, in the soume of twentie merkis; Walter M^cInnoyer in Dallevie, in the soume of threttie pundis; Johnne Grahame M^cWalter in Duchrey, in the soume of ane hundreth merkis; Allaster M^cIntalgar in Craigmuk, worth twentie merkis; Arthour M^cDonald V^cDouchie in Glashar, in the soume of ten merkis; Thomas M^cLauchlane in the Miltoun of Abirfoyle, in the soume of twentie pundis; Dawnie Finlasoun, thair, in the soume of ten merkis; Alexander Grahame in Craiguchtie, in the soume of ane hundreth merkis; Thomas Grahame in Ovir Creans, in the soume of twentie pundis; Callum M^cArthour, thair, in the soume of ten merkis; Johnne Moir M^cArthour, thair, in the soume of ten merkis; Johnne Beane M^cArthour, thair, in the soume of ten merkis; Robert M^cEanduy, thair, in the soume of fiftie merkis; Johnne Blair in Abirfoyle, in the soume of ten merkis; Finla M^cArthour in Inchrie, in the soume of twentie merkis; George Grahame in Bofreshlie, in the soume of twentie pundis; Johnne M^cRob at Allinan, in the soume of ten merkis; Johnne M^cAdam in Bellich, in the soume of twentie pundis; Andro Moir M^cFarlane in Bonassen, in the soume of fyve hundreth merkis; Williame Wode, thair, in the soume of ten pundis; Thomas Clachar, thair, in the soume of ten pundis; Patrik M^cGillespik Buquhannane in Eister Thrid, in the soume of fourescoir pundis; Williame Dow Buquhannane in Blairnavard, in the soume of fiftie pundis; Johnne Drummond at the myln, thair, in the soume of fiftie merkis; Patrik Kear in Carbonarrach, in the soume of ten pundis; Johnne M^cKeth, thair, in the soume of ten merkis; Alexander Lany, oistlair in Tynnes, in the soume of ten merkis; Williame M^cKiesoun in Clasmoir, in the soume of ten pundis; Johnne Drummond in Auchinlay, in the soume of ane hundreth merkis; Williame Drummond, in the

Acta Oct. 1612–Nov. 1614.

Fol. 57, b.

Acta Oct. 1612–Nov. 1614.

soume of twentie merkis; Johnne Balfour in Ballialtoun, in the soume of foure pundis; Donald M^c^Cartour in Ballicragan, in the soume of fiftie merkis; Johnne Balfour in Ballivuriche, in the soume of foure pundis; Johnne Dow M^c^Greur, thair, in the soume of ten merkis; Allaster M^c^Andro, thair, in the soume of ten merkis; Johnne M^c^Noyer in Deldorane, in the soume of foure pundis; Andro M^c^Nie [?] in Callendar, in the soume of ten merkis; Johnne Donnaldsoun, thair, in the soume of ten merkis; Johnne M^c^Allaster in Dronghie, in the soume of ten pundis; Robert M^c^Nair, thair, in the soume of ten merkis; Ferquhar M^c^Erchair in Tombrek, in the soume of ten merkis; Donald M^c^Aves in Dronghie, in the soume of fiftie merkis; Alexander Buchannane, thair, in the soume of ten merkis; Patrik M^c^Ilvoir, thair, in the soume of ten merkis; Andro Grahame in Drumboy, in the soume of fiftie merkis; Donald M^c^Carras in Tracharvie, in the soume of twentie pundis; Donald M^c^Callum Voir, thair, in the soume of ten merkis; Tarves M^c^Innoyer, thair, in the soume of ten merkis; Neill M^c^Ewne V^c^Dougall in Altanabrek, in the soume of ten merkis; Johnne M^c^Errachair, younger, in Brigend, in the soume of ten merkis; Donald M^c^Gillichallum in Auchrey, in the soume of ten merkis; Johnne Grahame in Ynach, in the soume of ten pundis; Gilbert Grahame in Glasshell, in the soume of tua hundreth pundis; Donald Blair in Blairstanemoir, in the soume of twentie merkis; Allaster Grahame, thair, in the soume of ten merkis;

Fol. 58, a.

Johnne Dow Grahame in Gartnormoch, in the soume of ten merkis; Johnne Grahame in Blairvillochane, in the soume of fiftie pundis; Donald Blair, his tennent, in the soume of ten merkis; Marioun M^c^Inleister in Dalchone, in the soume of ten merkis; Johnne Blair in Cullongartane, in the soume of fiftene pundis; Duncane M^c^Adam, youngair, thair, in the soume of ten merkis; Donald M^c^Inleishe Blair, in the soume of ten merkis; Donald Dow M^c^Donald V^c^Ewne in Disho[ir], in the soume of ten pundis; Duncane M^c^Gillichallum V^c^Patrik, thair, in the soume of ten pundis; Gilbert M^c^Kie in Strongarvald, in the soume of twentie pundis; Andro M^c^Farlane in Kippenros Letter, in the soume of ane hundreth merkis; Callum M^c^Ewne, thair, in the soume of ten merkis; Johnne Dow Steuart in Brannachyle, in the soume of twentie pundis; Finla M^c^Leiche, thair, in the soume of ten merkis; Johnne Dow M^c^Ewir in Westeir Ardchanatik, in the soume of fiftie merkis; Alexander M^c^Ewine, thair, in the soume of fiftie merkis; Walter Steuart in Eister Ardchanknok, in the soume of twentie merkis; Johnne Steuart in Wester Brigend, in the soume of ten merkis; Patrik M^c^Laurane in Eister Brigend, in the soume of ten merkis; Johnne M^c^Laurene, thair, in the soume of xx ß.; Neill Steuart in Grodiche, in the soume of twentie shillingis; Duncane Reoch M^c^Neill, thair, in the soume of fiftie merkis; Donald Our M^c^Neill, thair, in the soume of twentie merkis; Alexander M^c^Greuar, thair, in the soume of ten merkis; Alexander Steuart in Dowart, in the soume of ane hundreth merkis; Patrik Galbraith, thair, in the soume of ten merkis; Thomas M^c^Kynnoch, thair, in the soume of

ten merkis; Patrik M^cRob, thair, in the soume of ten merkis; Duncane Steuart in Duncragane, in the soume of ten merkis; Gillespik M^cLauren in Offerres, in the soume of ten merkis; Murdo Fergussoun in Drapan, in the soume of twentie pundis; Patrik Murdosone, sone to Andro Murdosoun in Lanerk, in the soume of twentie merkis; Duncan Buchannane in Miltoun, in the soume of twentie merkis; Donald Fergussoun, thair, in the soume of iiij ℔.; Thomas Miller, thair, in the soume of xx s.; Callum Roy Miller, thair, in the soume of xx ℔.; Alexander Steuart in Portnellane, in the soume of twentie merkis; Johnne Buchannane, thair, in the soume of ten pundis; Gillespik Buchannane in Tullingogill, in the soume of ten pundis; Fergus Roy, thair, in the soume of ten markis; George Buchannane in Torrandowne, in the soume of fiftie merkis; Patrik Buchannane, thair, in the soume of twentie pundis; Robert Buchannane in Bowquhassill, in the soume of ane hundreth merkis; Robert M^cLauren in Stank, in the soume of fiftie merkis; Donald M^cLauren, his sone, in the soume of fourtie merkis; Donald Dow Fergussoun in Lagan, in the soume of ten pundis; Donald Roy Fergussoun, thair, in the soume of sax pundis; Fergus Fergussoun, thair, in the soume of ten merkis; Nicol M^cAllaster in Kip, in the soume of xx ℔.; Duncane Glas M^cIntailliour in Ardach, in the soume of sax pundis; Neill Dow M^cIntailliour, thair, in the soume of sax pundis; Ewart M^cCondoquhie Roy in Baid, in the soume of fiftie merkis; Murdo Bayne Fergussoun, thair, in the soume of ten pundis; Johnne Dow Fergussoun, thair, in the soume of ten merkis; Duncane Buy Fergussoun, thair, in the soume of fourescoir merkis; Finla M^cChesriche in Wester Crachin, in the soume of ten merkis; Patrik Bean M^cIniader in Innerecho, in the soume of ten merkis; Donald Fergussoun, thair, in the soume of ten merkis; Alexander Fergussoun in Innermule, in the soume of ten merkis; Robert Fergussoun, thair, in the soume of ten pundis; Robert, sone to Alexander M^cRobert Voir in Runnacraig, in the soume of ten pundis; James Steuart in Anny, in the soume of sax pundis; Donald M^cInlavie, thair, in the soume of xx ℔.; Johnne Fergussoun thair, in the soume of ane hundreth merkis; Johnne M^cEwne in Tombey, in the soume of ten merkis; Finla M^cTarres *alias* Fergussoun, thair, in the soume of xx ℔.; Alexander M^cKessane at the kirk of Kilmahug, in the soume of ten merkis; Donald Dow Millair, thair, in the soume of ten merkis; George Steuart in Lanye, in the soume of ane hundreth merkis; Patrik M^cVoreis, thair, in the soume of iiij ℔.; Johnne Drummond, thair, in the soume of iiij ℔.; James Gibbun, thair, in the soume of twentie merkis; Donald M^cVoreis, thair, in the soume of xx ℔.; Robert Lanye, thair, in the soume of ten merkis; Andro M^cGillespik, thair, in the soume of iiij ℔.; Johnne Millair Soutair, thair, in the soume of ten poundis; Johnne M^cClaro, thair, in the soume of ten pundis; Donald Dewair, thair, in the soume of iiij ℔.; Patrik Lanye, thair, in the soume of twentie merkis; Finla M^cInnoyer in Drummardoche, in the soume of twentie merkis; Finla M^cGibbun in Ord, in the soume of

Acta Oct. 1612–Nov. 1614.

Fol. 58, b.

Acta Oct. 1612–Nov. 1614.

fourty pundis; Alexander M^cCartur in the Bray of Lanye, in the soume of threttie pundis; Johnne M^cNoysser, thair, in the soume of sax pundis; Johnne M^cEanduy in Drumnascrene, in the soume of ten merkis; and Robert Finla M^cGibbonis sone, thair, in the soume of xx merkis. And ordanis letters to be direct chargeing the personis particularlie abone-writtin to mak payment of the soumes of money abonespecifeit, ilkane of thame *respective* for thair awne pairtis as is abone divydit, to his Majesteis Thesaurair, and ressavearis of his Majesteis rentis, or to suche utheris as hes right to the same be gift and dispositioun maid to thame thairof be his Majestie, within xv dayis nixt efter the charge, under the pane of rebellioun, &c., and yf thay failyee, to denunce, &c."

Fol. 59, a.

Sederunt—Bishop of Sanctandrois; Glasgow; Ergyll; Lynlythgow; Bishop of Caithnes; Scone; Cranstoun; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medop; Sir Peter Young; Sir Johnne Arnott; M^r George Young. Edinburgh, 15th July 1613.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Alexander, Erll of Lynlythgow, and James Carmichaell of Pottieshaw, and of thair awne consentis tooke the first Counsaill day of October nixtocome for the entrie and exhibitioun befoir the saidis Lordis of Duncane, Patrik, and Allaster Levingstonis, sones to umquhile Patrik Aldoche, and Johnne Levingstoun, sone to umquhile Johnne M^cGregour in Glenogill, for obedyence of the letteris and chargeis execute aganis thame for this effect." Day fixed for the presentation of certain Livingstons by the Earl of Linlithgow and Carmichael of Pottieshaw.

Decreta June 1612–Dec. 1613.

[Sederunt as recorded above.] Edinburgh, 15th July 1613.

Fol. 217, b.

Complaint by Robert Rollok, younger, in Brechin, assignee constituted by Gilbert Auchtirlony of Blakdykis, heritable proprietor of the lands referred to below, that Johnne Rynd of Carse remains unrelaxed from a horning of 11th November 1612 for not paying to pursuer, as assignee, 8 merks 3s. 4d. for each boll of 12 bolls meal, as part of the "fermes of the south half of the shadow half of the maynis of Wester Carse" for 1611, and £6 of expenses; and also that said Johnne Rynd remains unrelaxed from a horning of 11th May last for not paying to pursuer, as assignee, 10 merks for each boll of 16 bolls 2 firlots 2 pecks "rin mett beir," and £6 for each boll of 33 bolls 1 firlot 2 pecks "rin mett meill," with £8 of expenses.—Pursuer appearing personally, and defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Caption against John Rhynd of Carse for debt to Robert Rollock.

Fol. 218, a.

Complaint by James Curle, merchant, burgess of Edinburgh, that Sir James Cunynghame of Glengarnok, as principal, and James, Earl of Glencarne, William, Lord of Kilmaweris, Master of Glencarne, Johnne Caption against the Earl of Glencairn and others for debt to James Curle.

Porterfeild, and Samuell Burnett, merchants, burgesses of Edinburgh, as cautioners for him, remain unrelaxed from hornings of 17th, 18th, 19th and 25th June last for not paying to pursuer 5000 merks of principal, together with the annualrent thereof still owing, and £500 of expenses. —Pursuer appearing by Archibald Douglas, macer, and the Earl of Glencarn, Lord Kilmaweris his son, John Porterfeild, and Samuel Burnett not appearing, the Lords give order against them as above. Decreta June 1612–Dec. 1613.

Caption against William Haliburton for debt.

Complaint by Sir Robert Stewart, tutor of Tracquair, that William Haliburtoun in Quhitrig remains unrelaxed from a horning of 2nd June last for not appearing before the Privy Council in answer to a charge of presenting a "bendit hagbute" at pursuer, and threatening to shoot him "gif he quarrellit or fand fault with him."—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords decree against defender as above. Fol. 218, b.

Caption against M°Clellan of Gelston for debt.

Complaint by Sir Robert M°Clellane of Bomby, knight, that Sir Thomas M°Clellane of Gelstoun, knight, remains unrelaxed from a horning of 28th June last for not paying to pursuer £444.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, there is order against defender as above. Fol. 219, a.

Caption against David Livingston for debt.

Complaint by James Maxwell, "ane of his Majesteis gentilmen isharis," that David Levingstoun, son of Johnne Levingstoun of Donypace, remains unrelaxed from a horning of 3rd April last for not paying to pursuer £30 English, or £360 Scots.—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, there is order against defender as above. Fol. 219, b.

Alexander Brunton against John Oliphant for assault.

Complaint by Alexander Bruntoun, in the Denflett of Eister Pitcorthie, as follows:—On 3rd July instant, while pursuer was near his own house in Denflett, "attending his awne cornis in sober and quiet maner," Johnne Oliphant son of Petir Oliphant of Kellymylnes, came armed, about 10 o'clock at night, "besyde his said dwelling house," put violent hands on him, wounded him to the great effusioun of blood, and left him for dead. Pursuer "hes continewalie sensyne lyne bedfast in grite dolour and pane, not lyklie to convalesce, and is maid altogidder unable to labour or work ony work heirefter."—Pursuer appearing personally, and defender likewise appearing personally, the Lords assoilzie defender, "becaus, the said persewair, in stead of all uther probatioun, haveing referrit the said complaint to the said defendair his aith of veritie, he, being personalie present and deiplie sworne thereupoun, deponit and declairit that the same wes not of veritie." They also order the defender to find caution for the indemnity of pursuer, his tenants and servants, "in thair bodyis and goodis," under pain of 500 merks, and not to leave Edinburgh till cautioun is found, under pain of horning. Fol. 220, a.

John Leirmonth against Martin Black for assault.

Complaint by Johnne Leirmonth, burgess of the city of Sanctandrois, as follows:—Martyne Blak, servitor to Johne Arnote, commissary clerk of Sanctandrois, having "consavit ane deidlie haitrent and malice aganis Fol. 220, b.

Decreta June 1612–Dec. 1613. Fol. 220, b.

the said complenair," has "divers tymes socht the occasioun how to execute his privat grudge aganis him, and hes oft and divers tymes lyne at await for him." The said Martyne "long tyme syne causit mak ane grite lang dirk," the better to effect his purpose. In May last, the said Martyne, seeing pursuer beyond the port of the said city in the wynd called the Buttis Wynd, went up to pursuer, and committed a most fierce assault on him by cutting pursuer on the left arm and in other parts with the said dirk, and left him for dead.—Pursuer and defender both appearing personally, the Lords find that defender hurt and wounded the pursuer, and "that the same proceidit upoun the provocatioun and challange" of pursuer, and that defender "did wrong in accepting of the said challange." Defender is to pay pursuer 20 merks, and to be committed to ward in the Tolbooth of Edinburgh at his own expense till he pay the said sum. Further the Lords ordain that both parties find law-surety, the pursuer in 500 merks, and defender in 200 merks, and that both remain in Edinburgh till they find the same.

Fol. 221, a.

The complaint by Gilbert Johnstoun, *alias* Cardrum, in Lethintie, against James Forbes of Lethintie [*ante*, p. 59] being called for proof, and pursuer and defender appearing personally, the Lords assoilzie defender. Gilbert Johnston against Forbes of Lethintie.

Commissions. Fol. 165, a.

Commission under the Signet, signed by St. Androis, Argyle, Lynlythgow, Glasgow, David, Lord Scone, Johne Prestoun, Sir T. Hammiltoun, and Alexander Hay, to the Sheriffs of Edinburgh, Beruik, Roxburgh, Selkirk, Peblis, Fyff, Perth, and Forfar, and their deputies, and to the Provosts and Bailies of Edinburgh, Dundie, Jedburgh, Kelso, Dumbar, Kinghorne, Bruntiland, and to William Vetche of Dawik, to apprehend and exhibit before the Lords of Council Williame Haliburtoun in Quhitrig, who was put to the horn on 2nd June last, at the instance of the King's Advocate, and Sir Robert Stewart, tutor of Tracquair, for not appearing before the Council on a certain day to answer the charge of presenting a hagbut to the said Sir Robert and threatening to shoot him [*ante*, p. 106]. Commission for the apprehension of Walter Haliburton, at the horn for presenting a hagbut at Sir Robert Stewart, tutor of Traquair.

Acta Oct. 1612–Nov. 1614. Fol. 59, a.

Sederunt—Chancellor; President; Ergyll; Lotheane; Bishop of Caithnes; President; Secretary; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Peter Young; Sir Johnne Arnott; Mr George Young. Edinburgh, 20th July 1613.

Petition to the Lords of Council by Johnne Gordoun of Newtoun for leave to repair to his own house and remain there, on these grounds:—"Conforme to the saidis Lordis directioun and cautioun fundin be him [*ante*, pp. 63–5], he hes enterit his persone in warde within the burgh of Aberdeyne, quhair he now remanis." Meanwhile it has pleased God "to visite his wyffe with ane havie disease and seiknes, to the grite hasaird and perell of hir lyffe"; and, as the harvest is now approaching, his own presence at home will be required "for attending the wynning of his cornis, whilkis utherwayes wilbe neglectit in regaird of his wyffis seiknes, Leave given to John Gordon of Newton, in ward in Aberdeen for his nonconformity, to remove to his own house under certain conditions.

and cairlesnes and negligence of servandis."—Having considered the petition, the Lords "gevis and grantis libertie and licence to resoirt and repair to his awne house and to remane thair and twa myllis aboute the same, he first finding cautioun actit in the bookis of Secreit Counsaill upoun these same conditionis of his formair cautionarie when he wes wardit in Abirdeyne, and forder that he sall everie fouretene dayis anes repair to the burgh of Abirdeyne and remane thair twa dayis, and that he sall confer with the ministerie for his resolutioun and satisfactioun in suche materis and pointis of religioun quhairof he standis in doubt." Acta Oct. 1612–Nov. 1614. Fol. 59, b.

Commission to the Magistrates of Dumfries.

Commission under the Signet, signed by the Chancellor, Argyle, Glasgow, Lotheane, and Sir G. Murray, to the Provost and Bailies of Drumfreis, or any two of them, to try all cases of theft, "pykrie,"—especially of cornfields and orchards,—and destruction of policies, now frequent in the burgh. Commissions. Fol. 167, b.

Obligation of John Carmichael for the indemnity of the Earl of Lothian.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Johnne Carmichaell, sone lauchful to Carmichaell of Maynes, and be his grite and solemne oathe declairit that he could gett nane that wald become cautionaris for him for the indempnitie of Robert, Erll of Lotheane, and thairfoir he actit and oblist himself under the pane of tua thousand pundis that the said Robert, Erll of Lotheane, his men, tennentis and servandis, salbe harmeles and skaithles in thair bodyis, landis, takkis, possessionis, guidis and geir, and on nawise be molestit nor troublit thairin be the said Johnne Carmichaell, nor be na utheris of his causing, sending, hounding oute, command, ressett, assistance and ratihabitioun, whome he may stop or latt, directlie or indirectlie, in tyme comeing, utherwayes nor be ordour of law and justice, under the said pane, and forder under the pane of perjurie and tinsall of credite." Sederunts. Fol. 80, a.

Thomas Foullis.

"Ane signatour past in favouris of Thomas Foullis anent the fyneing of silver oute of lead."

MacLeod of Harris.

"Ane act past in favouris of M^{c}Cleud of Hereis." [See *Book of Isles.*]

Edinburgh, 22nd July 1613.

Sederunt—Chancellor; Glasgow; Ergyll; Roxburgh; Blantyre; Cranstoun; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medop; Sir Peter Young; Sir Johnne Arnott; M^{r} George Young. Acta Oct. 1612–Nov. 1614. Fol. 59, b.

Archibald Primrose, writer, and Archibald Campbell of Glencharradale, constituted commissioners for uplifting the fines imposed upon resetters of the Clan Gregor, and granting discharges for the same.

"Forasmekle as, Archibald, Erll of Ergyll, Lord Campbell and Lorne, his Majesteis Lieutennent aganis the Clangregour, haveing, be his Majesteis gift under the Previe Seale, grantit and disponit to him, his airis and and assignayis the haill soumes of money quhairin ony of the ressettaris, supplearis, or intercommonaris with the same Clangregour salhappin to to be fyned for thair said ressett, supplee and intercommoning, the said Erll of Ergyll, upoun verie goode respectis, hes offerrit to gif unto his Majesteis Thesaurair to his Heynes use of a pairt of the saidis fynes the soume of xxij ℔. x ß. money oute of everie ane hundreth pundis that the

said Erll or ony in his name hes alreddy or salhappin to ressave thairof [*ante*, p. 96]. And to the effect that the same fynes may be deulie collectit and that his Majesteis Thesaurair may knowe whome to challenge for making for compt, rekning, and payment of his Heynes parte thairof, the Lordis of Secreit Counsaill, with advise and consent of the said Erll of Ergyll, and of Sir Gedeoun Murray of Elibank, his Heynes Thesaurair Depute, for bothe thair interesse, hes maid speciall choise of Archibald Primrois, writter, and Archibald Campbell of Glencharrodell, conjunctlie, to whome the saidis Lordis, with advise foirsaid, hes gevin pouer and
Fol. 60, a. commissioun, be thame selffis and thair deputies in thair names, for whome thay salbe haldin to ansuer, to ask, crave, charge for, ressave, intromett with, and uplift all suche soumes of money as ony personis ar alreddy fyned into, or heirefter sal happin to be fyned into, for that said ressett, supplee, or intercommoning with the said Clangregour, acquittanceis and dischargeis upoun thair ressett thairof to gif, subscryve, and delyver; to the quhilkis acquittanceis the saidis Lordis ordanis the seall of the said Erll to be affixt; and, being so maid, subscryved, and seallit, the saidis Lordis decernis and declairis the same to be valide and effectuall to the saidis ressettaris, supplearis and intercommonaris not onlie for a free discharge to thame of the soumeis quhairin thay ar alreddy or heirefter salhappin to be fyned, bot lykewayes the same acquittanceis sal haif the full strenthe, forme and effect of ane free pardoun to the saidis ressettaris, supplearis, and intercommonaris for ony fact committit be thame in thair said ressett, supplee, or intercommoning with the said Clangregour. Be it alwayis undirstand, lyke as the saidis Lordis of Secreit Counsaill ordanis, the saidis Archibald Prymrois and Archibald Campbell to mak compt, rekning and payment to his Majesteis Thesaurair Depute, present and to come, of his Majesteis pairt of the saidis fynes in dew forme as effeiris; and the saidis Lordis ordanis all letteris to be direct for chargeing for the saidis fynes to be direct at the instance of his Majesteis Thesaurair Depute and Advocate for his Heynes interesse, and of the said Erll of Ergyll for his interesse, and the payment to be maid to the saidis Archibald Prymrois and Archibald Campbell as haveing full power and commissioun to ressave the same in maner abonewrittin; provyding alwayes that this present commissioun be no forder extendit aganis ony inhabitantis within the schirefdome of Ergyll and Tarbett, bot aganis suche as ar alreddy or salhappin to be fyned at his Heynes Counsaill table be the Lordis of his Majesteis Previe Counsell appointit be his Heynes commissioun to that effect."

Decreta June 1612–Dec. 1613. Fol. 221, b.

[Sederunt as recorded above.]

Edinburgh, 22nd July 1613.

Complaint by William Symsoun, "at the mylne of Keig," as follows:— On April last, William Troup, elder, of Pittindreich, Johnne, William, and Patrik Troup, his sons, and Normond Leslie, brother of the Laird

To denounce William Troup of Pittendreich and his sons for assault.

of Wardes, "all bodin and furneist with swerdis, daggeris, gantillatis, and utheris wapponis invasive," came to pursuer's house at the said mill, and "callit upoun him to come furth of his said house unto thame." When pursuer complied, he was most violently assaulted by the said persons, and was wounded in the head and other parts, to the great loss of blood and danger of his life.—Pursuer appearing personally, and William Troup and his two sons not appearing, the Lords order these to be denounced rebels.

Petition by James Stevenson for the trial of Isobel Henderson.

Fol. 222, a.

Petition by James Stevinsone, maltman, burgess of Striveling, as follows:—Issobell Hendirsoun, "servand woman" to petitioner, had with false keys opened his coffers, and taken therefrom above 2000 merks. When apprehended and tried before the magistrates of Striveling, she had made "a verie cleir confessioun of hir guyltines of the said cryme; bot sensyn, by the informatioun of hir freindis and utheris who has conferrit with hir in this mater, sho hes start bak from hir said former depositionis, and now, in presence of these whome the saidis Lordis hes appointit to try hir in this mater, sho constantlie standis to ane denyall of that cryme, quhairof out of all doubt sho is guiltie." To avoid further trouble both to the Lords and to the country people "comeing heir to pas upoun hir assyse," petitioner craves that she be tried by the magistrates of Striveling, "before whome scho formerlie confest the treuth."—The Lords grant the petition, and constitute the provost and bailies of Striveling his Majesties justices in this matter.

Caption against James Preston and John Blackadder for debt.

Fol. 222, b.

Complaint by Johnne Sinclair, merchant, burgess of Edinburgh, that James Prestoun, burgess of Culrois, and Johnne Blakcader of Inzievar, remain unrelaxed from hornings of 1st and 2nd July instant for not paying to pursuer these sums:—James Prestoun, £500 of principal and £60 of expenses; Johnne Blakcader, £610 of principal and £50 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Caption against John Halkhead and his son for debt.

Fol. 223, a.

Complaint by Henry Wardlaw of Balmull, "Chalmerlane of Dunfermlyne," that Johne Halkheid, portioner of Gaitmilk, and James Halkheid, fear thairof, remain unrelaxed from a horning of 1st June last for not paying to pursuer "the haill few maillis, kaynis, teindis, and utheris dewties" for their part of the lands of Gaitmilk for 1612.—Pursuer appearing personally, and defenders not appearing, order is given against defenders as above.

Order for the release of James Gibson.

Fol. 223, b.

Complaint by James Gibsoun, servant of Patrik Stewart, one of the Guard, as follows:—Some time ago pursuer was apprehended on the charge of "the away-putting of ane mouter" belonging to Patrik, Earl of Orknay, "and was for that caus commitit to waird within the Tolbuith of Edinburgh, quhair he hes bene detenit this thrie quarteris of ane yeir in grite miserie within the yrnehouse of the said prisone." He is innocent of the crime, and ought to be released, as the guilty party

Decreta June 1612–Dec. 1613.

(who was a servant of the Earl of Orkney, and had fled from his trial) has now "tane the crime foirsaid upoun him."—Pursuer appearing personally, and Joseph Marjoribankis and Archibald Adiesoun, Bailies of Edinburgh, who had been summoned for this day, not appearing, the Lords order the Provost and Bailies of Edinburgh to release pursuer.

Fol. 224, a. Caption against Robert Craig for debt to Sir Peter Young.

Complaint by Sir Petir Young of Setoun, knight, "his Majesteis maister almusair," Elizabeth Gib, his spouse, and James and Harie Young, their sons, that Robert Gray of Drymme remains unrelaxed from a horning of 4th March last for not paying pursuers 5 bolls of wheat and 14 bolls of beir, for the teinds of the town and lands of Drymme for 1607, 1610, and 1611, and further that defender remains unrelaxed from a horning of 6th April last, raised at the instance of the said Sir Peter Young, for not paying to him 2000 merks of principal, and £200 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 224, b. Caption against David Livingston for debt.

Complaint by Johnne Pollok, "meilmaker" in Leyth, that David Levingstoun, brother of Johnne Levingstoun of Prestoun, as principal, and James Guidlet, portioner of Strabrok, as cautioner, remain unrelaxed from hornings of 14th and 20th January last for not paying to pursuer 200 merks of principal, and £20 of expenses.—Pursuer appearing personally, and defenders not appearing, there is order against defenders as above.

Fol. 225, a. Caption against Mark Swinton for debt.

Complaint by James Dalzell, younger, merchant burgess of Edinburgh, that Mark Swentoun, provost of the burgh of Innerkething, remains unrelaxed from a horning of 10th July instant for not paying to pursuer £430 of principal and £50 of expenses.—Pursuer appearing by Archibald Douglas, his procurator, and defender not appearing, there is order against defender as above.

Fol. 225, b. Suspension of horning against John Dick.

Complaint by Johnne Dik in the Hauch of Kilpunt, as follows:—Pursuer has been wrongously charged by Mr Johnne Archibald, heritable proprietor of the lands of Kilpunt, to find caution in 1000 merks within a certain number of days "for the indempnitie of him, his men, tennentis, and servandis," under pain of horning. Now, the above sum is "verie extraordinair and grite, fer abone the sowmes appointit and prescryvit be the Act of Parliament maid anent the modifeing of panes of lawburrowis," the pursuer being "ane mean man, haveing nathing quhairupoun to leive bot the rent of the saidis landis of Kilpunt, extending to twa chalderis victuall, quhilk is wodset unto him" for £1000; of which the "pane in letteris of lawburrowis at the maist wilbe 200 merks." Therefore, and because pursuer has found the caution named in the charge, he craves the suspension of the said letters.—Pursuer appearing personally, and defender not appearing, the Lords do suspend the horning, and further modify the caution from 1000 merks to 500 merks.

Sederunts. Fol. 80, a. Earl of Cassillis.

"The quhilk day the Erll of Cassillis by warrand frome his Majestie wes relevit of his warde."

26th July 1613. Commission for the trial of William Taylor for theft.

Commission under the Signet, signed by the Chancellor, Argyle, Cassillis, and Blantyre, to the Bailie Principal of the Bailiary of Lawdirdaill and his deputies, to try William Tailyeour, indweller in Nenthorne in the said bailiary, now in the tolbooth of Lawder, on charges of theft and resset of theft. Commissions. Fol. 168, a.

Edinburgh, 27th July 1613.

Sederunt—Chancellor; Bishop of Glasgow; Ergyll; Cassillis; Lotheane; Blantyre; Cranstoun; Bishop of Caithnes; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntiland; Medop; Sir Peter Young; Sir Johnne Arnott; M^r George Young. Acta Oct. 1612–Nov. 1614. Fol. 60, a.

Charge for the exhibition of John Gromach M^cGregor.

Johnne Gromache M^cGregour, "ane commoun and notorious theif," having been apprehended by Johnne Gordoun of Buckie, who had transferred him to Coline Campbell of Clunes, which Coline had again transferred the charge of him to Charlis Robertsoun in Athoill, there is to be charge to the said Johnne Gordoun of Buckie, Coline Campbell, and Charlis Robertsoun, to appear personally before the Council on the last day of November next, bringing with them and presenting the said Johnne M^cGregour Gromache, under pain of rebellion. Fol. 60, a.

Charge to Patrick Maxwell of Newark and George Montgomery to appear before the Council and submit their differences to arbitration

The "feid and quarrell" between Patrik Maxwell of Newark and Robert Montgomerie of Skelmurlie having been reconciled, and the said Patrik having made certain offers of agreement likewise to George Montgomerie, brother to the said laird of Skelmurlie, and signified his willingness to submit "all thingis contravertit betwix thame" to the judgment of the Earl of Abircorne, but his Majesty having been now informed "that the said Patrik Maxwell not onlie refuiseth to stand to his formair offeris, bot lykewayes starteth bak frome the foirsaid submissioun," there is to be charge to the said Patrik Maxwell and George Montgomerie to appear personally before the Council upon the day of , under pain of rebellion, "to submit the materis in difference betwix thame, outher to the arbitriment of these to whome thay were formarlie submittit, or then to suche uther neutrall freindis as thay sall mak choise of."

Edinburgh, 27th July 1613.

Caption against Haig of Bemersyde for debt.

Complaint by Waltir Scott of Harden that James Haig of Bemersyde remains unrelaxed from a horning of 17th February 1612 for not paying to pursuer one chalder "cheritit quhyte," forty bolls "heipit meill," and four chalders "cheritit beir," good and sufficient stuff "of the mett and measour of Lawdirdaill," together with £100 of expenses.—Pursuer appearing by Robert Lawder, his procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta June 1612–Dec. 1613. Fol. 226, a.

To denounce Robert Storroch for assault.

Complaint by William Wodend in Towie that, on the night of 20th October last, Robert Storoche in Towie came armed to the house of pursuer, upbraided him "with mony injurious and reprotchfull speitcheis," and "with a drawne swerd and a drawne durk" shamefully assaulted Fol. 226, b.

Decreta June 1612-Dec. 1613.

him, giving him "nyne or ten deidlie woundis in divers pairtis," and leaving him for dead.—Pursuer appearing personally, and defender not appearing, the Lords order defender to be denounced rebel.

Sederunts. Fol. 80, b.

"Chargeis aganis Sir Johnne Ker for assumeing the styll of Lord." [See p. 125.] Sir John Ker.

"Chargeis aganis Charlis Robertsoun in Athoill to the last Counsell day of November." Charles Robertson.

Commissions. Fol. 154, b.

William Stewart in was lately apprehended in the burgh of Linlithgow with a quantity of wool which he had pulled off some sheep on the lands of Scheilhill. When examined by the magistrates, he confessed that on 22nd April last he had "pullit" 24 sheep at Scheilhill, and also that he had gone in March last to the lands of Bar in the sheriffdom of Striveling and had there "pullit" 17 sheep which were with lamb, and that he had sold the wool in Dunbertane. He also confessed that, five or six years ago, he had pulled sheep on the lands of Windieyett in the barony of Haning, the property of William Robsoun there, and that he had pulled 13 sheep belonging to Alexander Levingstoun of Kirkland. Twelve years ago or thereby he had gone to the lands of Lugtoun in the sheriffdom of Striveling and stolen wool in a similar manner. Commission is therefore given, under the Signet, to the Provost and Bailies of Linlithgow to try the said William. Signed by the Chancellor and Linlithgow. Undated, 1613. Commission for the trial of William Stewart for various acts of wool-stealing by pulling the wool from sheep.

Fol. 168, b.

Commission under the Signet, signed by the Chancellor and Sir T. Hammiltoun, to Alexander Hammiltoun of Quotequot, and James Hammiltoun, his brother, or either of them, to apprehend and bring to justice George Craufurd, natural son of Craufurd of Glennure, suspected of theft and resett of theft. 1613. Commission for the trial of George Crawford, suspected of theft.

Acta Oct. 1612-Nov. 1614. Fol. 60, b.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Ergyll; Glencairne; Cassillis; Lynlythgow; Lotheane; Bishop of Caithnes; Roxburgh; Blantyre; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsyithe; Bruntyland; Medop; Sir Peter Young; Sir Johnne Arnott; M^r George Young. Edinburgh, 29th July 1613.

Fol. 61, a.

Suit by Sir William Oliphant of Newtoun, King's Advocate, for his Majesty's interest, as follows:—"At ane meeting and conference betuix the Lordis of Previe Counsaill and some of the landislordis of the Clangregour upoun the xxv day of May 1611, thair wes ane free and willing offer maid to his Majestie be the saidis landislordis of the soume of threescoir pundis out of everie mark land pertening to thame whilkis wes possest be the Clangregour at the feist and terme of Witsonday in the yeir of God j^m vi^c and ten yeiris, and to be payit haill and Action against the Earl of Argyll and twenty other landlords of the Clan Gregor for the recovery of £60 for every merkland of the Macgregor lands possessed by them at Whitsunday 1610,—said fines alleged to be due to the

[1] This and the following undated Commissions must have been signed before 28th July 1613.

Crown by voluntary agreement to that effect. Defenders assoilzied.

togidder in ane soume after thair landis ar maid so peceable as thay may brooke and posses the same, outher be thame selffis or thair poore tennentis labouraris of the ground, without ony trouble or oppressioun of the Clangregour, as in ane note maid contening the offer abonewrittin at lenth is contenit." Now, true it is that "his Majestie, and his officiaris and ministeris to whome his Majestie committit the truste and credite of that service, hes with singulair wisdome and foirsight, and with verie grite pane, travell, chargeis, and expensis, so followed oute and prosequute that service anent the reduceing of the Clangregour to obedyence as in effect the haill headismen and chiftanes of thame ar outher execute be justice and slayne, or then thay have renunceit thair names and fund cautioun to be lauchfull and answerable subjectis, and the haill roumes and possessionis formarlie brookeit be the Clan Gregour ar now in the peceable possessioun of the landislordis, and ar possest be thame and thair tennentis without any feir or trouble of the Clan Gregour; at the least, yf ony of the Clan Gregour doeth now posses ony landis, the same is with the goodewill and lykeing of the landislord who hes placeit thame in thair rowmes of thair awne free award without ony kynd of compulsioun; sua that now the said service is at an end, and his Majestie hes performed and fulfillit that for whilk the soume abonewrittin wes promittit and grantit, and thairfoir the haill landislordis of the Clangregour whome this mater commounlie and equalie concernis, and who hes conjunct and commoun interess in this mater, and ar coequall partinaris of the benefeit flowing frome his Majesteis panes and travellis in this mater, aucht with thankfull and willing hairtis freelie gif unto his Majestie the soume abonewrittin grantit and promittit in maner foirsaid."—Charge had been given to Archibald, Earl of Ergyll, James, Earl of Murray, Alexander, Earl of Lynlythgow, William, Master of Tullibairdin, James, Lord of Madertie, Alexander Colhoun of Luss, Buquhannane of that Ilk, Johnne Naper of Marchinstoun, James Reidheugh of Cultibragane, Alexander Menzees of Weyme, Sir Duncane Campbell of Glenurquhie, Duncane Campbell of Glenlyoun, Robert Robertsoun of Strowane, James Campbell of Laweris, Johnne Campbell, his brother, Sir Archibald Stirling of Keir, M^r^ James Shaw of Knokhill, Alexander Shaw of Cambusmoir, Williame, Earl of Menteith, Thomas Grahame of Boquhapple, and Duncane Menzes, as landlords concerned, to appear before the Council on a certain day past, "to haif hard and seene thame, and every one of thame, decernit to mak payment to his Majesteis Thesaurair and officeris in his Heynes name of the said soume of threescoir pundis for every merk land pertening to thame whilk wes possest be the Clangregour at the said terme of Witsonday 1610, or els to haif schawne ane reasounable caus quhy the samin sould not haif bene done"; and now, Sir Williame Oliphant of Newtoun appearing for his Majesty's interest, and the said Archibald, Earl of Ergyll, Alexander, Earl of Lynlythgow, William, Master of Tullibairdin, James, Lord of Madertie, Sir Duncane Campbell

Acta Oct. 1612–Nov. 1614.

Fol. 61, b.

Acta Oct. 1612–Nov. 1614.

of Glenurquhy, Alexander Colhoun of Luss, Alexander Menzes of Weyme, Robert Robertsoun of Strowane, James Campbell of Laueris, Johnne Campbell, his brother, Duncane Menzees, brother to the laird of Weyme, Thomas Grahame of Boquhapple, M^r James Shaw, and Alexander Shaw, being also personally present, but the rest of the defenders not appearing, the Lords of Council, after hearing parties and considering "the note foirsaid beiring the offer maid be the saidis landislordis in the mater abonewrittin produceit be the said Lord Advocat for instructing of this libell," find and declare "that the note foirsaid contening the offer abonewrittin can nawayes astrict nor obleis the saidis landislordis in payment of the soume abonespecifeit, becaus, of the haill nomber of the landislordis abonewrittin, thair wes onlie sax of the meaner sorte that maid the said offer, and of thir sax the laird of Glenurquhy, who wes principall, maid his offer conditionallie and with a protestatioun whiche in effect did liberat him of his promeis, and forder the note foirsaid wantit sindrie solempniteis requisite in ane act obligatorie.—And thairfoir the saidis Lordis assoilyees *simpliciter* the saidis landislordis fra this persute and fra the contentis of thir letteris, and decernis thame quyte thairfra in tyme comeing."

Fol. 62, a.

[Sederunt as recorded above.]

Decreta June 1612–Dec. 1613. Fol. 227, a.

Edinburgh, 29th July 1613.

Suspension of previous decree against George Home and others for the abduction of Jean Howieson.

Complaint by George Home, portioner of Gulane, James Dalmahoy, son of the laird of Dalmahoy, and Gilbert Douglas, son of George Douglas of Langnidrie, that the decree of Council against them at the instance of Jeane Howiesoun, daughter of the late Howiesoun, burgess of Edinburgh, George Wauchop of Gleghorne, Abrahame Wauchop, his brother, James Ainslie and Johnne Murray, burgesses of Edinburgh, curators to the said Jeane, and George Fawsyde [*ante*, p. 99], was wrongously obtained. The present pursuers were never lawfully charged to appear on that day, nor to "exhibite" the said Jeane Howiesoun; else they would have appeared and shown that the said Jeane went with them "frelie of hir awne motive," and "that scho send for thame to mak hir removeing fra the said George his house and company," on account of "some causis of miscontentment consavit be hir aganis him, notour to hir selff." The said George Wauchop, "guidsir" to the said Jeane, and the said Abrahame, his brother, knowing that she had been removed at her own request, relinquished their suit against present pursuers, "as ane minute of the proces beiris." Therefore, and because, for obedience, the complainers had found cautioun to appear this day and bring the said Jeane with them—George Home in £1000 and James Dalmahoy and Gilbert Douglas in £500 each—said decree ought to be suspended.—Pursuers appearing personally, and defenders not appearing, the Lords do suspend the process of horning against pursuers till the principal letters be produced and the pursuers duly warned.

Fol. 227, b.

Caption against William Fowler for debt.

Complaint by James Creichtoun, merchant, burgess of Edinburgh, that William Fouller, burgess of Northberuik, remains unrelaxed from a horning of 28th February last for not paying £75 of principal, and £10 of expenses.—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta June 1612–Dec. 1613. Fol. 227, b.

Caption against John Robertson and others for debt.

Complaint by Alexander Peblis of Chappelhill that Johnne Robertsoun, *alias* Tarlasoun, apparent of Monzeis, as principal, and Johnne Stewart of Graniche, and Chairlis Robertsoun of Auchleikis, and also M^r^ Johnne Stewart, portioner of Dowallie, as cautioners, remain unrelaxed from a horning of 27th March last for not paying to pursuer these sums:—the said John Robertsoun, Johnne Stewart, and Chairlis Robertsoun, 300 merks of principal, and 32 merks of expenses, together with the "byroun annuellis of the same sowme gif ony be restand awand"; and the said Johnne Robertsoun, Johnne Stewart, and M^r^ Johnne Stewart, 400 merks of principal, and £40 of expenses, and 10 merks for the "annuel" of each 100 merks of the said 400 merks still owing.—Pursuer appearing by Andro Boyd, his procurator, and defenders not appearing, the Lords give order against them as above. Fol. 228, a. Fol. 228, b.

Caption against Sir Patrick M^c^Kie for debt to Sir John Vaus.

Complaint by Sir Johnne Vaus of Longcastell, knight, that Sir Patrik M^c^Kie of Larg, knight, remains unrelaxed from a horning of 7th July instant for not fulfilling a contract made between him and pursuer on 25th May 1609,—as registered in the books of Council and Session on 20th November 1609,—in respect of the payment to pursuer of 200 merks as "annuelrent" of the principal of 2000 merks, from Whitsunday 1609 to Whitsunday last, and £20 for each term's "failyie of the said annuelrent," and also the principal of 2000 merks, together with 300 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order against defender as above. Fol. 229, a.

Edward Little and others against Rany Bell and others for assault.

Complaint by Edward Litle, Cuthbert Carrutheris, elder, Symone Armestrang, and Cuthbert Carrutheris, younger, all servitors to Robert Somervell of , "and he as maister to thame for his interesse," as follows:—On 15th June last, Symone Grahame, "callit of Medop," Adam Batie in Logane, and Richard Bell there, came armed to the said Robert Somervell's lands of Smailhomes, and there fiercely assaulted the said Edward Litle, and Cuthbert Carrutheris, elder, giving the former a deadly wound in the head, and the latter "a grite stryk with a kent upoun the left airme," almost breaking the same, besides many other hard strokes elsewhere. And, on 16th and 17th June last, Ranie Bell of Godisbrig, and David Bell, "callit Oiswellis Davie," came armed to the said Robert Somervell's lands of Risphill, and there put violent hande on the laird's two "hirdis," Symie Armestrang and Cuthbert Carrutheris, younger, "shamefullie and unhonnestlie strak and dang thame, reft from Fol. 229, b.

Decreta June 1612–Dec. 1613.

the one his cloik and frome the uther his plaid, barbarouslie slew thair dog, and violentlie with grite kentis brak tua of the bakis of his saidis ky in peceis."—The said Robert Somervell appearing for himself and the other pursuers, and the said Rany Bell being the only defender present, the Lords assoilzie the said Rany Bell, and order the said David Bell "callit Oiswellis Davie," Symone Grahame "callit of Medop," and Adam Batie in Logane, to be denounced rebels for not appearing.

Fol. 230, a.

Alexander Kennedy and others against Alexander Barclay and others for assault.

Complaint by Alexander Kennedy of Crago, James M^{c}Cormok and William Bowman, colliers, in , as follows:—On 13th July instant, while pursuers were coming from the Waltreis home to the said James Kennedy's house in Mayboill, "in sober and quiet maner," they were fiercely set upon by Alexander Barclay in Mayboill, accompanied by Oliver Barclay, his brother, David Fergusoun, brother of George Fergusoun of Thraif, Johnne Mullikin, William Kennedy in Mayboll, Gilbert Kennedy in Lonothie, Johnne Smyth at the kirk of Dalrumple, and others to the number of ten or twelve persons, all armed. Pursuers would have been slain, had not some of his Majesty's justices of the peace and some of the inhabitants of Mayboll come to their relief.—Pursuers appearing personally, and defenders also appearing personally, the Lordis assoilzie defenders, because pursuers have failed to prove their complaint.

Fol. 231, a.

John Thayne against the Magistrates of Dundee for unlawful imprisonment: defenders assoilzied.

Complaint by Johnne Thayne in Benvie, as follows:—Pursuer "being within the burgh of Dundie, doing his lauchfull effairis in sober and quiet maner," had been apprehended by the provost and bailies, at the instance of Johnne Skrymgeour of Dudop, and had been taken to the tolbooth of the burgh, where he has been detained for "this haill moneth bigane," without lawful cause.—James Mudie, bailie of Dundie, appearing for defenders, and presenting the said Johnne Thayne, alleges that the said Johnne "wes committit to thair waird be the justiceis of peace within the schirefdome of Forfar for certane ryotis and oppressionis," and that the provost and bailies were charged to keep him in ward by virtue of letters of caption, raised at the instance of James Crystie, assignee constituted by Waltir Thomesoun in Diburlaw, for not paying him 100 merks of principal and £20 of expenses, as is verified by production of documents in court. The Lords order the bailie to take the said Johnne back to the tolbooth of Dundie and there keep him at his own expense till he "satisfie the caus for quhilk he wes committit."

Fol. 231, b.

Andrew Bruce.

"Anent oure soverane Lordis lettiris reasit at the instance of Andro Bruce in Buthla makand mentioun th" [incomplete].

William Ruthven against the Laird of Cluny and others.

Complaint by Sir William Oliphant of Newtoun, knight, for the King's interest, and William Ruthven, son of William Ruthven of Bandane, as follows:—On 2nd July instant Sir James Creichtoun of Ruthvenis, David Home, his servant, Patrik Maxwell of Preistoun, Robert Maxwell in Garne, Hew Maxwell, his brother, William Leslie, and David Moncur, servitors to the said laird, Johnne and Thomas Gairn, brothers to James Garne of Drumbarrow, with others, "all bodin in feir of weir, with swerdis,

daggeris, gantillatis, and utheris wapponis invasive, and with hagbutis and pistolletis, prohibite to be worne," came about 10 o'clock at night to pursuer's house of Garne, where he and his servants were "in sober and quiet maner for the time in thair beddis, takand the nichtis rest." The said persons "dang and brak up the yettis and durris of the said place, enterit thairin, maid thame selffis maisteris and commanderis of the toure of the said place, and schote furth thairof hagbutis and pistolletis" at pursuer and his servants. Furthermore, on July, the same persons made a second attack on the pursuer's house, entered it, violently and masterfully removed the pursuer and his servants, and possessed themselves of the same.—Pursuers appearing personally, and the said Hew Maxwell and David Home appearing personally, and none of the other defenders being present, the Lords assoilzie defenders, because pursuers have failed to prove their complaint. Decreta June 1612–Dec. 1613. Fol. 232, a.

Suspension of horning against James Stewart, "callit of Jerusalem."

Complaint by James Stewart, "callit of Jerusalem," as follows:— Pursuer was, at the instance of Sir Gedeone Murray of Elibank, knight, Treasurer Depute, and Sir William Oliphant of Newtoun, knight, King's Advocate, put to the horn for not appearing personally before the Lords to answer certain charges [*ante*, p. 65]. As regards the charges of "ressett and intercommoning with Jesuitis and seminarie preistis" he is innocent; but pursuer "dois with all humilitie and reverence acknowledge his oversicht" in the matter of the other charges [*i.e.*, hearing of mass]. "And, in that point of the said complenaris eschaiping frome thame, the same proceidit upoun a suddane feir, simplie apprehendit be him without ony certane ground or warrand, that some grite rigour and extremitie wes intendit aganis him; whiche motioun of feir and dredour took suche a deip impressioum in the said complenaris hairt as folischelie, raschelie, and unadvisedlie he took a suddane purpois to eschaip, when he wes removit to the yaird, finding the durris oppin and all thingis favourable to the furtherance of his eschaip." For obedience, pursuer had found caution for 1000 merks to appear this day before the Lords; and he craves suspension of the horning.—Pursuer appearing personally, and defenders being present, the Lords, "in respect of the personall compeirance" of pursuer, do suspend the horning, but order the pursuer to be committed to the Tolbooth of Edinburgh,—there to remain at his own expense, till further direction for his trial and punishment. Fol. 232, b.

Suit of the Earl of Errol and a number of others for redress of a grievance impending their commerce in meal with the port of Leith.

Complaint by Frances, Earl of Erroll, David Sym, his factor and chamberlain, William Buchart, burgess of Abirdene, Bartill Johnnkene, indweller in Leyth, Robert Forbes in Meweis, Thomas Urquhart, servitor to Johnne Urquhart of Clochquhorle, Johnne Hay, Johnne Gray, Johnne Merser, James Seytoun of Pitmeddin, and Samuell Masoun, all burgesses of Abirdene, James Forbes of [Tolm]addis [?], Duncane Forbes, apparent of Camphell, Hercules Tailyeour, burgess of Monrois, Johnne Andirsoun there, George Petrie there, James Barclay, chamberlain to Fol. 233, a.

Decreta June 1612–Dec. 1613.

the Earl Marshal, Harie Gordoun of Haddo, and James Gray, servitor to William Forbes of Tolquhone, as follows:—The Provost, Bailies, and Council of Edinburgh, "and thair bailleis of the toun of Leyth," have made an ordinance that those of the pursuers who "caryis ony meill to the said toun of Leith for to be sauld thairin" may not "mett' the same by their own servants, but only by "some few nomber of weymen mettistaris in Leyth," under pain of fine and imprisonment of those whom the pursuers employ to weigh the meal other than the said weighers. Pursuers have been "in use and custome bigane to caus thair awne feit servandis mett and measour the said meill." The ordinance is "onlie set doun for ane particulair moyane and gayne to some particulair personis," and is most unadvisedly made, as the said weighers are not able to do the work "with sic haist and convenient dispatche as is requisite to be done"—much to the prejudice of pursuers and all others; nor are the said "mettistaris skillit thairin, bot onlie ane
Fol. 234, a. few nomber thairof, quha in thair metting useis mair fraud nor skill."—The said Frances, Earl of Erroll, appearing by William Hay, his procurator, and the said Hercules Tailliour and a number of the other pursuers being present, and the Bailies of Edinburgh likewise appearing personally, the Lords declare that "all awnaris of victuall who sall send thair awne victuall growand upoun thair awne landis to be sauld at the peir of Leyth" shall be free to "mett" the same by their own agents, and that "all couparis and byaris of victuall who sall bring ony victuall to be sauld at the said porte of Leyth salbe subject to the commoun mettistaris appointit be the magistratis of the said burgh of Edinburgh."

Commissions. Fol. 187, a.

Commission under the Signet, signed by the Chancellor, Argyle, Cassillis, Lynlythgow, Glasgow, and Blantyre, is given to Robert, Earl of Lothiane, to apprehend and try sundry persons within the bounds of the Lordship of Crawfurdmure, who are suspected of theft, resett, and "pykrie." Commission for the trial of thefts on Crawfurdmuir.

Acta Oct. 1612–Nov. 1614.

Fol. 62, a.

Sederunt—Chancellor; Bishop of Glasgow; Secretary; Treasurer Depute; Advocate. Edinburgh, 30th July 1613.

"Forsamekle as, the ressettis and supplee which the infamous thevis and lymmaris of the Clangregour hes had in divers pairtis of the cuntrey being the cheif and principall caus which, &c. [*preamble continued as in previous similar Acts, at p.* 51 *and p.* 101]. According quhairunto the commissionaris within the schirefdome of Invernes in the courtis of tryall haldin be thame within the burgh of Invernes upoun the xiij, xiiij, xv, xvj, xix, xx, xxj, xxij, xxiij, xxv, xxvj, xxvij, xxviij and xxix dayis *respective* of the moneth of Aprile 1612, did call and convene befoir thame the personis particularlie undirwrittin, ressettaris, supplearis, and intercommonaris with the Clangregour, Farther enumeration of persons in Invernessshire fined for reset of the Clan Gregor, with specification of the amount of the fine in each case.

&c. [*preamble continued in the words used in previous similar Acts*]. The Lordis of Secreit Counsaill findis and declairis, that the personis particularlie underwrittin ar guiltie and culpable of the ressett, supplee, and intercommoning with the Clangregour, aganis his Majesteis lawis and proclamationis, in maner specifeit in the proces returnit unto the saidis Lordis frome the commissionaris abonewrittin beiring the judiciall confessioun of the saidis personis, and thairfoir the saidis Lordis hes decernit, adjudgeit, and fyned the personis particularlie undirwrittin and everyone of thame in the soumes of money following:—viz., Patrik M^cKavie in , in the soume of fiftie merkis; Ferquhair M^cAllaster in Innerrie, in the soume of tua hundreth pundis; Allaster M^cFerquhair, thair, in the soume of fiftie merkis; Williame M^cMungane in Lynchorne, in the soume of fiftie merkis; David Miller, thair, in the soume of xx ℔.; Allaster M^cWilliame V^cEanroy be Eist Tullich, in the soume of xx ℔.; Allaster M^cFinla V^cConnochie, in the soume of xx ℔.; Johnne M^cAllaster V^cEanduy, in the soume of xx ℔.; Williame M^cKinla V^cConnoquhie, in the soume of xx ℔.; Donald Beg M^cConeill Moir, in the soume of fiftie merkis; Thomas M^cEan V^cAngus, in the soume of fiftie merkis; Donald Oig M^cConeill V^cColchallum, in the soume of fiftie merkis; Donald M^cConeill V^cEan V^cGlassen, in the soume of fiftie merkis; Thomas M^cWilliame in Rathiemoone, in the soume of xx ℔.; Williame M^cColgaw in Rathiemoone, in the soume of twentie merkis; Williame Moir M^cFinla M^cConnochie in Drum of Abirnethie, in the soume of l ℔.; Allaster M^cWilliame Voir in Corquhillis, in the soume of fiftie merkis; Patrik Roy M^cEan V^cConeill in Tullochquiben, in the soume of l merkis; Johnne M^cGibbun in Avielochane, in the soume of l ℔.; Donald M^cGibbun, thair, in the soume of l ℔.: Duncane M^cAllaster Reoch, thair, in the soume of fiftie merkis; Allaster M^cAllaster Reoch, thair, in the soume of fiftie merkis; Duncane M^cWilliame Uig in Gramache, in the soume of fiftie merkis; Johnne Dow M^cKay, brouster in Duthell, in the soume of xx ℔.; Robert Rid in Duthell, in the soume of xx ℔.; Johnne M^cConeill V^cCoull Dalrachine in Glencharnik, in the soume of xx ℔.; James M^cEan V^cJokie in Docharme, in the soume of xx ℔.; Patrik M^cAndro V^cAllane in the parrochine of Cromdell, in the soume of xl ℔.; Johnne M^cThomas V^cKenneth, in the soume of fiftie merkis; Johnne M^cEan V^cFerquhar V^cEwne, in the soume of fiftie merkis; Johnne M^cSewne Grant, in the soume of l merkis; Donald M^cThomas V^cJames, in the soume of xx ℔.; Johnne Moir M^cAdam in Rathiemurchus, in the soume of fiftie merkis; Allaster M^cAngus Beg, in the soume of xx ℔.; Allaster M^cThomas Croy, in the soume of xx ℔.; James M^cKay in Rathiemurchus Maynes, in the soume of fifty merkis; Johnne M^cWilliame V^cEanroy in Tulliche, in the soume of fiftie merkis; Donald M^cEane V^cColchromye in Geche, in the soume of fiftie merkis; Allaster M^cCoulchen, brouster, in the soume of xx merkis; Johnne Grant, sone to Tullochgorm, in the soume of xx ℔.; Patrik Roy M^cEane M^cConeill, in the soume of fiftie merkis;

Acta Oct. 1612-Nov. 1614. Fol. 62, b.

Fol. 63, a.

Acta Oct. 1612–Nov. 1614.

Williame M^{c}Thomas V^{c}Williame in Rathiemoone, in the soume of xx ℔.; Donald Gaw in Bray of Abirnethie, in the soume of xxx ℔.; Thomas M^{c}Ean Glas V^{c}Coull *alias* M^{c}Quene in Stratherne, in the soume of ane hundreth merkis; Donald M^{c}Phersane in Corribruoch, in the soume of ane thousand merkis; Ewne M^{c}Coull in Raikbeg, in the soume of ane hundreth pundis; Thomas M^{c}Rorie V^{c}Ewne, in the soume of fifty merkis; Johne Nairne in Belnaporte, in the soume of ane hundreth merkis; Thomas Fraser, burges of Invernes, in the soume of twentie merkis; Johnne Grant M^{c}Williame V^{c}Allan[e] in Auchinnerrair, in the soume of ij^{c} ℔.; Duncane M^{c}Williame V^{c}Allane, his bruther, in the soume of ane hundreth merkis; Robert M^{c}Ferquhair V^{c}Allaster, in the soume of fiftie pundis; Duncane Nairne, in the soume of fyve hundreth merkis; Gilleis M^{c}Coulroy in Auchgeirsie, in the soume of ane hundreth merkis; Johnne M^{c}Coneill M^{c}Innerrair in Knokinrower, in the soume of fiftie merkis; Johnne M^{c}Andro V^{c}Illeis, in the soume of fiftie merkis; Johnne M^{c}Gillimarten in Geyche, in the soume of fiftie merkis; Allaster Roy M^{c}Williame in Auchnahernich, in the soume of xx ℔.; Williame M^{c}Thomas in Tulloch, in the soume of fiftie merkis; Johnne Beg M^{c}Eanroy in , in the soume of fiftie merkis; Ferquhair M^{c}Eanvoir V^{c}Eanchear in Lynchyle, in the soum of ane hundreth merkis; Robert M^{c}Andro Grant in Lurg, in the soume of ane hundreth merkis; Johnne M^{c}Quene in Belnaporte, in the soume of fiftie merkis; James Grant in Pitcherrell, in the soume of ane hundreth merkis; Patrik Grant, the laird of Braye sone, in the soume of fiftie pundis; Johnne Keir M^{c}Coneill V^{c}Douchie M^{c}Gillespick in Urquhart, in the soume of ane hundreth merkis; Hucheoun M^{c}Eane M^{c}Donachie Gaw, thair, in the soume of xx ℔.; Duncane M^{c}Ean Malloch, thair, in the soume of fiftie merkis; Ewne M^{c}Beane Gaw, thair, in the soume of xx ℔.; Finla M^{c}Ean Roy in Glenmoreistoun, in the soume of fiftie merkis; Finla M^{c}Innes Uyg, miller in Abirnethie, in the soume of fiftie merkis; Gillichallum M^{c}Rorie, broustair, in the soume of xx ℔.; Duncane M^{c}Eanduy M^{c}Condoquhie Roy, in the soume of ane hundreth merkis; Donald M^{c}Coneill V^{c}Coull, in the soume of ane hundreth merkis; Johnne Roy M^{c}Intagart, in the soume of three hundreth merkis; Williame M^{c}Allaster M^{c}Ean Oig, in the soume of ane hundreth pundis;

Fol. 63, b.

Allaster Roy Grant in Sogillie, in the soume of ane hundreth merkis; Duncane M^{c}Patrik M^{c}Eanroy in Urquhart, in the soume of ane hundreth pundis; Duncane M^{c}Ean M^{c}Coneill Glas, in the soume of fiftie merkis; Allane Roy Grant, in the soume of ane hundreth pundis; Johnne Mulloch M^{c}Eane Ganiche, officiar in Urquhart, in the soume of fiftie pundis; Donald Glas in Kinkell in Ross, in the soume of twa hundreth merkis; Gillespic Grant, bruther to the laird of Glenmoreistoun, in the soume of twa hundreth merkis; Delsie M^{c}Gillechallum, in the soume of ane hundreth pundis; Kenneth M^{c}Innoyer, in the soume of fiftie pundis; Johnne Dow M^{c}Ean Coull in Glenmoreistoun, in the soume of ane hundreth pundis; Duncane M^{c}Ean, his bruther, in the soume of ane

hundreth merkis; Johnne Oig M^{c}Ean Roy V^{c}Eane V^{c}Coneill, in the soume of fiftie pundis; Gillichallum M^{c}Eanroy, in the soume of fiftie pundis; Johnne Dow M^{c}Coneill Oyer, in the soume of ane hundreth merkis; Hucheoun Friach in Rathiemurchus, in the soume of fiftie merkis; Gregour M^{c}Condoquhy V^{c}Allaster in Mukurdnache, in the soume of three hundreth merkis; Duncane M^{c}Coneill V^{c}Eane Mulliche in Clune, in the soume of ane hundreth merkis; Ewne M^{c}Inmugatour in Balinacall, in the soume of fiftie merkis; Donald Oig M^{c}Coneill M^{c}Eane Mulliche in Polmalie, in the soume of ane hundreth merkis; Hector M^{c}Tarliche in Inverbruoch, in the soume of ane hundreth merkis; Gorie M^{c}Thomas Eyer, in the soume of fiftie merkis; Johnne M^{c}Finla Beg in Invermasrene, in the soume of ane hundreth merkis; Donald M^{c}Thomas V^{c}Kay in Easter Bennachar, in the soume of ane hundreth merkis; Patrik M^{c}Thomas V^{c}Kay in Clune, in the soume of fiftie merkis; Thomas Beg M^{c}Thomas V^{c}Kay, thair, in the soume of fiftie merkis; Ewne M^{c}Quene in Moirclune, in the soume of fiftie merkis; Rory M^{c}Kanyie, tutour of Kintaill, in the soume of foure thousand pundis; Rory M^{c}Kanyie of Reid Castell, in the soume of ffoure thousand merkis; Hucheoun Beg in Stratherene, in the soume of fiftie merkis; Johnne M^{c}Williame V^{c}Eur in Raikmoir, in the soume of fiftie pundis; Williame Roy M^{c}Huchesoun V^{c}Allane, thair, in the soume of ane hundreth pundis; William M^{c}Coneill V^{c}Agow in Lagan, in the soume of ij^{c} merkis; Johnne Ovir M^{c}Evinvore in Gellovie, in the soume of ane hundreth pundis; Lauchlane M^{c}Beane in Eister Cragye, in the soume of l ℔.; Donald M^{c}Condoquhie Beg in Litle Davie, in the soume of l ℔.; Alexander M^{c}Kay in Artharsyre, in the soume of ane hundreth merkis; Johnne M^{c}Finla M^{c}Kay, thair, in the soume of fiftie merkis; Johnne M^{c}Condoquhie V^{c}Gillespik in Glenmoreistoun, in the soume of fiftie pundis; Ewne M^{c}Queene Vayne, thair, in the soume of fiftie pundis; Donald M^{c}Ewne, sometyme in Inverwik, in the soume of xxxiij ℔. vj ℈. viij ₰.;[1] Auchinroy M^{c}Carliche, in Lyne, in the soume of xx ℔.; Williame M^{c}Cuben, in Ardlachie, in the soume of lxvj ℔. xiij ℈. iiij ₰.; Gillechallome M^{c}Hutcheon, in Logie, in the soume of lxvj ℔. xiij ℈. iiij ₰.; James M^{c}Intoshe, in Duncruben, in the soume of j^{c} ℔.; Williame Bayne, litster in Dingwell, in the soume of l ℔.; M^{r} John M^{c}Kenzie, minister at Dingwell, in the soume of j^{m}iij^{c}xxxiij ℔. vj ℈. viij ₰. [And ordanis letters to be direct, chargeing the personis particularlie abonewrittin, to mak payment of the soumes of money abone specifeit, ilkane of thame for thair awne pairtis as is abone divydit, to his Majesteis Thesaurair,] and ressavearis of [his Majesteis rentis, or to suche utheris as hes right to the] same be gift or dispositioun [maid to thame thairof be his Majestie,] within fyftene dayis nixt efter the [charge, under the pane of rebellioun, &c.], and, yf thay failyes, to denunce, [&c. and to escheit, &c.]."

Acta Oct. 1612–Nov. 1614.

Fine-Book, Fol. 6, b.

[1] The Register is imperfect here. The continuation of the list of names and fines imposed is taken from the MS. volumes entitled "Fines on Ressetters of the Clan Gregor," 1612–18, preserved in the Register House.

Minute Book. The *Minute Book of Processes* gives the following memoranda collectively for the month of July 1613:—

Ryott: William Bowie against Johne Murdoch.
Oppression: William Dumbar against Patrik Grant, &c.
Rebellion: Helen Scarlet against James Crawfurd.
Rebellion: Sir James Lundie against Peter Hay.
Petitione: Jonet Rollok against Peter Hay for giving her surtie as he did to the rest of his creditouris.
Oppression: Ninian M^{c}Morran against M^{r} Walter Ballingall.
Rebellion: William Cairney against Andro Wardlaw.
Rebellion: Patrik Kinloch against Sir Robert Creichtoun.
Rebellion: Hendry Orrok against Sir Andro Balfour.
Rebellion: William Wallace against Alexander Blair.
Oppression: Baylies of Lithgow against Thomas Foullis.
Ryott: Sir Robert Bruce against Bruce of Kingask.
Proces: Jean Howieson against Georg Hoom for taking her away be violence.
Ryott: Duncan Buy against James Gordon.
Rebellion: Thomas Huntar against Peter Hay.
Suspension: Earle Arroll against Dam Agnes Sinclair.
Rebellion: James Maxwell against David Livingstoun.
Ryott: Johne Lermonth against Martin Blak.
Rebellion: Peter Rollok against Johne Rynd.
Ryott: William Woodend against Robert Stirok.
Diligence: Gilbert Jonstoun against James Fforbes.
Ryott: Alexander Bruntoun against Johne Oliphant.
Rebellion: Sir Robert Stewart against Hendry Halliburtoun.
Oppressione: M^{r} James Pitcairn against William Shaw, &c.
Rebellion: Sir Robert M^{c}Clellan against Sir Thomas M^{c}Clellan.
Rebellion: James Curle against Sir James Cunyngham.
Oppression: Lord Stewart against Alexander Martin.
Rebellion: Johne Sinclar against James Prestoun.
Rebellion: Sir Peter Young against Robert Gray.
Rebellion: James Dalzeell against Mark Swintoun.
Petitione: James Gibsone to be putt to liberty.
Ryott: William Simsone against William Troup, &c.
Suspension: Bishop of Dunkell against Patrik Douglas.
Suspension lawburrowis: Johne Dick against M^{r} Johne Archbald.
Rebellion: Hendrie Wardlaw against Johne Halkheid.
Petitione: M^{c}Cleud of Hereis to be exonered of a penaltie incurred throw not compearance.
Rebellion: Johne Pollok against David Livingstoun.
Petitione: Gordon of Newtoun warded for papistrie to be putt to libertie.

Petitione: James Stevensone to the Magistratis of Stirling for putting Issobell Hendersone to ane assyse for thift. Minute Book.

Rebellion: William Braidie against Daniell Couttis.

Convocatione and wearing pistollettis: Bishop Dunkell against Patrik Douglas.

Oppressione: Dam Elizabeth Ballenden against Alexander Borthwik.

Imprisonment: M^r^ Andro Thomsone against the Magistratis of Drumfreice.

Suspension of ane Act: Earle of Arroll, &c., against the toune of Edinburgh anent the measuring of ther meall.

Rebellion: Walter Scott against James Haig.

Suspension: James Stewart against the Thesaurair and Advocatt.

Ryott: Andro Bruce against Alexander Gordon, &c.

Ryott: Edward Litle against Simon Graham, &c.

Rebellion: James Creichtoun against William Ffowller.

Rebellion: Alexander Peibles against Johne Robertsone.

Rebellione: Sir Johne Vause against Sir Johne M^c^Gie.

Imprisonment: Johne Thayne against the Magistratis of Dundy.

Oppression: William Ruthven against Sir James Crichtoun.

Ryott: Alexander Kennedy against Alexander Barcley, &c.

Oppressioun: Johne Rae against Homer Maxwell *et e contra.*

Witnesses: Bandean against Hoome.

Horning: M^r^ Johne Blak against George and Johne Kirkpatrikis.

Witnesses: Andro Bruce against Alexander Gordon.

Witnesses in Gilbert Jonstounes proces.

Rebellion: George Hamiltoun against Johne Symintoun.

Proces against the resetteris of the Clangregour.

Edinburgh, 3rd August 1613.

Sederunt—Chancellor; Bishop of St. Androis; Ergyll; Cassillis; Lotheane; Roxburgh; President; Secretary; Privy Seal; Treasurer Depute; Clerk of Register; Advocate; Bruntyland; Medop; M^r^ George Young. Acta Oct. 1612-Nov. 1614. Fol. 64, a.

Act against Sir John Ker of Littledean for unlawfully assuming the style and title of a lord.

"Anent oure soverane Lordis letteris rasit at the instance of Sir Williame Oliphant of Newtoun, knight, his Majesteis Advocate, for his Heynes interesse, makand mentioun that quhairas he is informit Sir Johnne Ker of Litildeane, knight, doeth verie unlauchfullie assume unto him selff the title and styll of ane lord, he being nawayes creat a lord nor barone of parliament be ony warrand or directioun frome his Majestie,—whilk is a mater of suche novaltie and bad example as is altogidder intollerable, that honnouris sould be assumed be ony persone without his Majesteis authorising and allowance, who is the fontane of all honnouris within his Majesteis awne dominionis,—lykeas diverse of his Majesteis subjectis gevis unto him the title and style of ane lord, and sua altogidder misknawis his Majestie, by whome allone the saidis titlis and styllis can be conferrit: And anent the charge gevin to the said Sir

Acta Oct. 1612–Nov. 1614.

Johnne, to have comperit personalie befoir the saidis Lordis this present third day of August instant, to haif hard and seene him dischargeit of all assumeing unto him selff the styll, title and name of Lord, and that he on nawayes presume in privat companyis nor publict meetingis of the nobilite to tak the place or rank of a nobleman, or els to shaw ane reasounable caus quhy the same sould not be done, with certificatioun to

Fol. 64, b.

him and he failyeis the saidis . . . himself of the style and title of ane lord . . . place and rank of a nobleman in privat com[panyis and] meetingis of the nobilitie in tyme comeing."[1]

Readmission of Lord Balfour of Burley to his place in the Privy Council.

"Whairas it hes pleasit the Kingis Majestie of his speciall grace and favour to reposses Michaell, Lord Balfour of Burley, to his place in the Prevey Counsaill of this kingdome, fra the quhilk by his Majesteis formair warrand and directioun he wes suspendit till his Majesteis forder pleasour sould be knowne [*ante*, vol. ix. pp. 504–5],—thairfoir the Lordis of Secreit Counsaill, according to ane speciall warrand and directioun in write send doun under his Majesteis hand, hes of new ressavit and admittit, and be the tennour heirof ressavis and admittis, the said Michaell, Lord Balfour of Burley, to the exercise of his place in Counsell, to be als freelie possest and dischargeit be him in tyme comeing in all respectis as he might haif done at ony tyme since his first admissioun thairto."

Royal Warrant for the preceding Act.

"Followis his Majesteis warrand for the act abonewrittin.—Richt trustie and weilbelovit cosine and counsellour, we greete you weele. Whereas we wer pleasit by oure other letter to require yow to suspend the Lord Burley frome the exercise of his place in oure Counsaill thair till our forder pleasour sould be signifeit to yow thairanent, and having now, for divers goode respectis, resolved to reposses him thairof, we haif thairfoir thoght goode hereby to will yow, upoun sight heirof, immediatlie to ressave and admitt the said Lord Burley to the exercise of his said place in Counsell, and to suffer him als freelie to posses and discharge the same in all respectis in all tyme comeing as he hes or might haif done in ony tyme sen his first admissioun thairto. Whiche willing you, nochtwithstanding of oure utheris letteris and suspensioun foirsaid, to see effected, we bid yow fairweele. At Andover, the 26th of July 1613."

Fol. 65, a.

Commission to Sir William Oliphant of Newtoun and Henry Wardlaw of Balmull to survey and value the lands of Huntingtower, now surrendered back to his Majesty by Sir Mungo Murray, and to report in that matter to the Council.

"Forsamekle as the landis of Huntingtour, whilkis wer sett in feu to Sir Mungo Murray, knight, ar now surrenderit be the said Sir Mungo bak agane to his Majestie, and the Lordis of Secreit Counsaill haveing a speciall cair and regaird that a just survey salbe tane of the saidis landis, quhairthrow, the same being valued and raited to the trew availl, it may be knowne what yeirlie commoditeis and rent his Majestie may expect furthe of the saidis landis: And thairfoir the saidis Lordis hes gevin and grantit, and be the tennour heirof gevis and grantis, commissioun to Sir William Oliphant of Newtoun, his Majesteis Advocat, and Henrie

[1] Several lines torn off from the top of the page. *Cf.* Entry anent Sir Alexander Seytoun on p. 32.

Wardlaw of Balmull, ane of the ressavearis of his Majesteis rentis, to resoirt and repair to the saidis landis of Huntingtour at suche tyme as convenientlie thay may, and thair to call unto thame suche gentilmen and utheris duelling thairaboute as knowis the estate and availl of the saidis landis, and to confer and advise with thame thairanent, and to mak ane perfyte survey of the same landis, and to valew the same at suche raite of yeirlie dewytis as the tennent may haif competent leving and his Majestie reasounable commoditie, and to reporte unto the saidis Lordis the survey sua to be maid and tane be thame, to the effect suche forder course and ordour may be tane thairanent as salbe thoght expedyent." Acta Oct. 1612-Nov. 1614. Fol. 65, a.

Warrant for the prosecution of Mr. Robert Philip, priest, for saying mass.

" The Lordis of Secreit ordanis and commandis Sir Williame Oliphant of Newtoun, his Majesteis Advocat, to raise ane summondis aganis Mr Robert Phillop, for chargeing of him to compeir befoir his Majesteis Justice at suche day as salbe thoght meete, to underly the law for saying of messe, confest be him selff, and that the said Advocat insist in the persute of him for the said cryme, conforme to the lawis of this realme; as alsua ordanis and commandis the Justice, Justice Clerk, and thair deputis, to proceid and minister justice in the said mater, conforme to the lawis of this realme; whereanent the extract of thir presentis salbe unto the said Justice, Justice Clerk, and Advocat ane sufficient warrand."

Warrant for the prosecution of James Stewart, "callit of Hierusaleme," and John Logan, portioner of Restalrig, for hearing mass, and resetting Jesuits and seminary priests.

" The Lordis of Secreit Counsaill ordanis and commandis Sir Williame of Newtoun, Advocat to our Soverane Lord, to libell ane summondis aganis James Steuart, callit of Hierusalame, and Johnne Logane, portionair of Restalrig, for chargeing of thame to compeir before his Majesties Justice and his deputis in the Tolbuithe of Edinburgh at such convenient dyet as salbe appointit to that effect, to undirly the lawis for the heiring of messe, ressett of Jesuitis, seminarie and messe preistis, and that he insist in the persute of thame for the saidis crymes, conforme to the lawis of this realme; and siclyke ordanis and commandis oure Soverane Lordis Justice and his deputis to proceid and minister justice upoun the saidis personis for the crymes abonewrittin, at the dyet to be appointit to that effect, conforme to the lawis of this realme; whereanent the extract of thir presentis salbe unto the said Justice, Justice Clerk, and Advocat ane sufficient warrand." [1] Fol. 65, b.

[1] From the records in *Pitcairn*, iii. 252-257 of the trials of the three associated culprits of this and the preceding entry when the present warrants for their trial took effect, —which was not till the 14th and 16th of September following,—one collects these particulars respecting them individually :—(1) Mr Robert Phillop, having been out of Scotland since 1599, and having studied the Roman Catholic religion abroad, and been admitted into the order of priesthood at Rome, had returned to Scotland in May 1613, and had been going about since then in the neighbourhood of Dumfries and in other places, celebrating mass and seducing the lieges; (2) James Stewart, called of Jerusalem, an inhabitant of Edinburgh, with his dwelling-house in the Cowgate, had been an "open and professed Papist" since 1609, keeping company with Jesuits and seminary priests, and attending mass whenever and wherever he had an opportunity of doing so; (3) John Logan, portioner of Restalrig, though now reconciled to the true religion and a member of the kirk-session of his parish, could be proved to have been voluntarily in company of the said James Stewart, and to have attended at least one mass performed in 1609 in the

Acta Oct. 1612-Nov. 1614.

Charge to Andrew Ker of the Yair, and to the Provost and Bailies of the Burgh of Selkirk, to appear before the Council, with a view to the settlement of a quarrel between them respecting the ownership of a certain piece of land.

"Forsamekle as it is undirstand to the Lordis of Secreit Counsaill that thair is some questioun and contraversie standing betwix Andro Ker of Yair, on the ane pairt, and the provest, baillies, counsaill and communitie of the burgh of Selkirk on the other parte, anent a peece of land acclamed as propertie be the said Andro, and as commountie be the toun of Selkirk; whilk being contravertit betwix thame befoir the Lordis of Counsaill and Sessioun, and the saidis Lordis haveing nominat the Lordis Kilsyithe and Medop to pas to the ground of the landis contravertit, and to visite the same, and to reporte the trew estate thairof according to suche informatioun as thay sould ressave frome men of gritest aige in the cuntrey thairaboute, the saidis Lordis in the tyme of thair visitatioun broght the mater to ane amicable submissioun; quhilk hes lyne over sensyne, and no forder proceidit thairin; and now the toun of Selkirk intendis this present yeir, at the rydeing of thair marcheis and commountie, to ryde the peece of land contravertit, as being a parte of thair commountie, and the said Andro Ker, for manteining of his possessioun, intendis, with the assistance of his kin and freindis, to impede and stay thame fra rydeing of the saidis marcheis; wherupoun some inconvenientis will not faill to fall oute, to the brek of his Majesteis peace, and disquieting of the cuntrey, without remeid be providit: Thairfoir the Lordis of Secreit Counsaill ordanis letteris to be direct chargeing the said Andro Ker of Yair on the ane parte, and the provest and baillies of the burgh of Selkirk on the uther parte, to compeir personalie befoir the saidis Lordis upoun the xxv day of August instant, to underly suche ordour as salbe prescryvit unto thame tuitcheing the observatioun of his Majesteis peace and keeping of goode reule and quietnes in the cuntrey, undir the pane of rebellioun, with certificatioun, &c.; and in the meantyme to command, charge, and inhibite the provest, baillies, counsall and communitie of the burgh of Selkirk, that thay on nowayes presome nor tak upoun hand to ryde thair marcheis quhill the saidis Lordis tak ordour in this mater as apperteynis, undir the pane of rebellioun, &c., with certificatioun, &c."

[Sederunt as recorded above.]

Decreta June 1612-Dec. 1613. Fol. 234, b.

Edinburgh, 3rd August 1613.

Andrew Turnbull against Sir John Ker of Littledean for acts of oppression and for illegal imprisonment.

Complaint by Sir William Oliphant of Newtoun, knight, for the King's interest, and Andro Trumble in Bonchester, and Thomas and Johnne Trumble, his sons, as follows:—On February 1612, Sir Johnne Ker of Litleden, knight, having "consavit ane haitrent and malice" against the said Andro, because he would not surrender his "rowme" of Gatascott—"quhairof he and his predicessouris wer kyndlie possessouris past memorie of man,"—apprehended the said Andro in his

said Stewart's house, then near the Nether Bow Port. All three, having been found guilty, were sent back into ward to await their sentences. These did not come till November 1613, when PHILLOP and STEWART were banished for life, and LOGAN got off with a fine of £1000.

house and caused him to be carried to the tolbooth of Jedburgh, where he was detained till May following, when he was released "be the meanis of the laird of Bonejedburgh." While pursuer was in ward, defender came in person to the lands aforesaid, and "kaist a grite pairt" of pursuer's moveable goods out of his house. Shortly afterwards, about 24th June 1612, defender revisited Gattascott with his servants, and without any warrant "ejectit and kaist the said Andro and his haill familie, goodis, and geir furth of the landis and housis of Gatascott, intrometit with his haill insicht and plenischeing being thairintill, houndit, chaissit, and awaydrave his haill cattell and bestiall af the ground of the saidis landis, and compellit him, his wyff, and bairnis, and familie ly on the feildis undir dykis for want of housis a long space, and exponit thame to the injurie of the stormes of foull weddir." In further proof of defender's malice, he caused the said Andro's son Johnne, who was "lyand deidlie seik in his house at that tyme and at the verie poynt of death," to be taken out of the house in a pair of blankets, and to be cast "on the feildis," so that pursuer's wife was constrained to carry him away on a "sled." Defender and his servants also "schamefullie and unhonnestlie strak and dang" the said Thomas Trumble, eldest son of the said Andro, with batons, because he would not assist them to cast out his father's "graith." Furthermore, on August following, William Ker, second son of defender, with six of his father's servants, came about 10 o'clock at night to the said Andro's house of Bonechester, "quhair he, his bairnis, and familie wer in peciable maner for the tyme in thair beddis takand the nichtis rest," and demanded admission. Being refused, they lay about the house, beseiging the same till eight in the morning, when the said Andro, "feiring to haif his house brint, according to the avowis and aithis quhilkis mony tymes thay maid," opened the doors. Then the said William and his followers entered, took the said Thomas prisoner, and carried him to Jedburgh, where they "commitit him to waird within the tolbuith thairof, and layed him in the stockis" for eight days. The said Andro and his other son Johnne went to Jedburgh upon the second day thereafter, to entreat defender to release the said Thomas; but defender, hearing of their coming, sent his said son William, Archie Haitlie, his servant, and a number of other servants to the house of Adam Rutherfurd of , where the said Andro and his son were for the time; and there the said persons violently apprehended Andro and his son, and took them to the tolbooth, where they, "with the said Thomas Rutherfurd [Trumble ?]," were detained till the following month of October, when he was charged to exhibit them before the Council. During the months of August and September last, while pursuers were thus in prison, defender wrongously and masterfully "mellit with that yeiris haill cropt and grouth of the saidis landis, shoore, led away, and stakked the same in the barneyaird of Gattascott"; and in April last he "causit thrysche out the saidis haill cornis," and sold

Decreta June 1612–Dec. 1613.

Fol. 235, a.

Fol. 235, b.

Decreta June 1612–Dec. 1613.

the same at his pleasure.—Pursuers appearing personally this day, and Sir Johnne Ker being likewise present, the latter avers that he had imprisoned the said Andro, who was "his awne man, tennent and servand," because he had "cuttit and distroyit a certane quantitie of his grenewood and growand treis" upon his lands of Bonchester and

Fol. 236, a.

Gatiscott, both in the barony of Aboitreule, having previously, as baron, called the said Andro before him at a baron court held in Jedburgh on 12th February 1612, and there, after hearing the said Andro's confession, committed him to the tolbooth till he had "satisfeit for his bipast trangress and found cautioun to abstene in tyme comeing." To this the King's Advocate replies that defender "had no pouer nor previledge of a frie barone," because he was only vassal to the Earl of Home for the barony of Abotreule, and that neither the said Earl nor any other superior under his Majesty can confer any such privilege; and further, that although the said Sir Johnne had been a free baron, and by virtue thereof had held the privilege of holding baron courts, he had in his censure of pursuer exceeded the bounds of the laws, which demand "onlie a pecuniall pane" from the cutters of greenwood. In case of refusal of payment, the proper course would have been to poind the offender's goods, and not to have summarily apprehended and committed him to prison. Regarding the second charge, viz., the taking of the said Andro Trumble in the month of August, it was urged by defender that, "thair haveing fallin oute some variance and contraversie" between William Tait in Gaithouscott and the said pursuer, who were both tenants of defender, the justices of peace in the sheriffdom of Roxburgh had remitted the matter to defender, who was one of their number, and who had accordingly committed pursuer to ward because of his refusal to find caution for the indemnity of the said William Tait. To this the King's Advocate replies that the justices of peace of the sheriffdom of Roxburgh "had no suche pouer of delegatioun," and that the said Sir

Fol. 236, b.

Johnne should have called the said Andro before him, and, on his refusal to find cautioun, "sould have gevin some sentence aganis him, and sould not so summarlie haif proceidit."—The Lords find that the said Sir Johnne has done wrong in taking and committing the pursuer to ward on the two occasions mentioned, and order him to be sent to the Castle of Edinburgh and to be kept there at his own expense during the pleasure of the Lords. In the matter of the conduct of defender's son towards pursuer's son, and also in the matter of the "hurling" of Johnne Trumble out of the house and "casting him on the feildis," the Lords find that "no proces can be had thairupoun," because the pursuers had no witnesses to prove the acts; and they remit the matter of the "ejectionis and spoliationis" to the Lords of Council and Session.

Fol. 237, a.

Complaint by Waltir Kersane, servitor to Arthour Kennedy, "who is servitour to Johnne, Erll of Cassillis," that on 21st May last, between 10 and 11 o'clock at night, while pursuer was repairing to the house of

Waltir Kersane against Alexander Barclay for assault.

Thomas M^cRaith in the town of Mayboll on his own private business, he was fiercely set upon by Alexander Barclay, indweller in Mayboill, "or evir he saw him or wes wer of him," and was "unmercifullie invaidit" with a "grite trie or battoun," receiving a wound in the head and others elsewhere, and left lying for dead.—Pursuer appearing personally, and defender being likewise present, the Lords assoilzie defender, who has denied on oath the truth of the charge. Decreta June 1612-Dec. 1613.

Caption against Sir Francis Wauchope of Niddrie for debt.

Complaint by Johnne Gib, son of the late Johnne Gib of Carribber, that Sir Frances Wauchop of Nudrie Merschell remains unrelaxed from a horning of 13th July last for not paying to pursuer 2000 merks of principal, and £100 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 237, b.

Caption against Sir James Douglas of Spott for debt.

Complaint by Elias Tailyeour, goldsmith at Chirling Croce, and Eister Tailyeour, his spouse, that Sir James Douglas of Spott, knight, remains unrelaxed from a horning of 19th July last for not paying to pursuers £142 sterling of principal, and £20 of expenses.—Pursuer appearing personally, and defender not appearing, there is order against defender as above. Fol. 238, a.

Caption against Thomas Inglis for debt.

Complaint by M^r Thomas Young, son of Thomas Young, writer to the Signet, that Thomas Inglis, younger, portioner of Auldlistoun, remains unrelaxed from hornings of 3rd and 6th July last for not paying to pursuer £240 of principal, and £20 of expenses.—Pursuer appearing personally, and defender not appearing, there is order as above against defender. Fol. 238, b.

John Bradie against the bailies of Stirling for wrongful imprisonment: defenders assoilzied.

Complaint by Johnne Bradie, burgess and indweller in the burgh of Striveling, as follows:—It is not unknown to the Lords how the provost and bailies of Striveling have oppressed "the poore nichtbouris and inhabitantis of the same" by warding, and how they cease not "most havelie to trouble and molest thame"; and the present complaint is that in July last they apprehended pursuer without cause or warrant and placed him in the tolbooth, where he now lies.—Christopher Alexander and Archibald Allane, bailies of Striveling, appearing for the provost and bailies of the burgh and bringing with them the said pursuer, allege that he was imprisoned "for contravening of the actis and ordinanceis of the said burgh maid anent the making of malt," and was detained in the tolbooth till he should pay £6 in "compositioun and modificatioun" of £100, "quhairin he wes decernit and adjudgeit for contravening of the saidis actis," and for breaking out of the tolbooth. They produce two "rolmentis of court" to that effect, signed by Johnne Williamsoun, clerk of the burgh: the first showing that pursuer "judicialie actit him selff to underly quhat the counsaill of the said burgh sould injoyne unto him for contraveningof the saidis actis"; and the second that the magistrates had given judgment as above.—The Lords order the bailies to take pursuer back to the tolbooth of Striveling, and there Fol. 239, a.

Decreta June 1612–Dec. 1613.

to keep him at his own expense till he make payment of the required sum.

Fol. 239, b.

John Mathew against Eviot of Muretown and others for abstraction of documents.

Complaint by Johnne Mathew, son of Robert Mathew of Balhoussie, as follows:—Whereas, in the examination which the Lords have held "anent the awaytaking frome the said complenair of a nomber of evidentis and writtis within the citie of Sanctandrois" in April last, there is a "cleir presumptioun" that Patrik Eviot of Muretoun, Henry Braidfute, steward to William Moncreif of that Ilk, Thomas Watsoun, servitor to the Laird of Abircrombie, M^r David Dalglesche, schoolmaster in Carnebie, and Andro Pitscottie, servitor to the said William Moncreif, "hes bene upoun the counsaill, foirknawledge, and divise of the awaytaking of the saidis writtis, and that thay knaw quhat is become of thame," the said persons should therefore be examined before the Council.—Pursuer appearing personally, and the said Patrik Eviot being the only defender present, the Lords order the absent defenders to be denounced rebels.

Alexander Gordon of Strathdown and James Grant of Dalry absolved from their obligation to produce certain criminals.

Petition by Alexander Gordoun, fear of Strathdowne, and James Grant of Dalvy, as follows:—Johnne M^cInnes More M^cTheothair in Stradowne, William Lagane there, Johnne M^cComie there, Johnne Bayne there, James Gordoun of Auchregyne, Alexander M^cCome there, William Tailliour there, Johnne and James Tailliour there, Johnne M^cJarves in Buibea, Adam Gordoun in Auchiregin, and Thomas Paull, *alias* Grant, were put to the horn for not appearing before the Justice and his deputies in the Tolbooth of Edinburgh on the charge of murdering the father of Johnne and William Sandiesoun—at whose instance

Fol. 240, a.

the charge was preferred—and of the "stouth" of certain "goodis and geir" belonging to deceased. The said Johnne and William Sandiesoun had caused the said petitioners to be charged to exhibit the said rebels, being their tenants and servants, before the Lords on 5th August instant. The petitioners have obeyed, and have come to Edinburgh ready "to gif thair aith of veritie in the said mater; bot thay ar informed that the saidis Lordis will not sitt the said fyft day of August, nor for the space of twenty days thairefter." It will be a great "fascherie" to petitioners to remain in Edinburgh till that day, as it now is "the tyme of harvest, quhen thay have thair coirnis to wyn." —The Lords, having heard this supplicatioun, and "undirstanding lykwyse that it wilbe ane double trouble to the saidis Johne and William Sandiesonis, who are poore indigent personis, to attend and await heir quhill the said day, or to raise new letteris and chairgeis in this mater gif this dyet salbe sufferit to desert," find that it will not be to the hurt or prejudice of the Sandiesons, though they are now absent, to take the oaths of petitioners at once. Accordingly, petitioners being sworn, and the said Alexander Gordoun having declared that the said Johnne M^cInnes More, William Lagane, Johnne M^cCome, James Gordoun, Alexander M^cCome, William Tailyeour, Johnne and James Tailliour, are not his tenants and servants, nor "suche personis as he aucht and sould be

answerable for," and having stated that the said Johnne M^cJarves and Adame Gordoun, who are his tenants and servants, were relaxed from the said horning, as is proved by a document produced before the Council, and the said James Grant having denied that Thomas Paull is his tenant or servant or a person for whom he is answerable, the Lords assoilzie both petitioners. Decreta June 1612–Dec. 1613. Fol. 240, b.

Commission for the apprehension of John and Donald Calder and others, at the horn for fire-raising and mutilation of cattle.

Commission under the Signet, signed by the Chancellor, Sanctandrois, Cassillis, and Argyle, to James, Earl of Murray, the Sheriffs of Elgin and Forres, Narne, Invernes, and their deputies, and to James Campbell of Laweris, Coline Campbell of Abirurquhill, James Dunbar of Both, Alexander Dunbar of Lochiehill, William Dollas of Cantray, William Cuthbert, younger, of Castelhill, M^r William Campbell of Bruchlie, Johnne Campbell of Ardewinche, Johnne Gordoun of Buckie, James Campbell of Rait, Alexander Campbell of Delles, Duncane Campbell of Strathormik, Johne M^cDowgall of Raray, to apprehend and exhibit before the Council Johne Calder and Donald Calder, sons of Thomas Calder in Delnie, Allester Cam M^cRobbie, sometime in Urchnie, Lauchlane M^cLauchlane V^cDonald V^cEane, Donald Clanchattan, and Dowle Sie *alias* Grant in Urquhart, who were put to the horn on 13th July last, at the instance of Coline Campbell of Clunes and the King's Advocate, for not finding caution to appear before the Justice on 5th November next for fire-raising on the lands of Clunes and mutilating and slaying three mares and a horse belonging to the said Coline Campbell. Commissions. Fol. 169, b.

High Commission.

"Publicatioun of the Heich Commissioun of the Kirk." Sederunts. Fol. 80, b.

Obligation of John Moncrieff for the indemnity of Lord Sanquhar.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Johnne Moncreif, presentlie wardit in the Tolbuithe of Edinburgh, and actit and oblist him self that he sall satisfie the Lord Sanquhair for the caus for quhilk he is wardit within the said Tolbuithe betuix and Witsonday, and failyeeing thairof that he sall lauchfullie reenter his persone in warde within the said Tolbuithe, under the pane of fyve hundreth merkis, as alsua the Lord Sanquhair, his men, tennentis and servandis, salbe harmeles and skaithles of him and all that he may stop or latt, in thair bodyis, landis, takkis, possessionis, goodis and geir, under the said pane of fyve hundreth merkis." Fol. 81, a.

Edinburgh, 4th August 1613.

Sederunt—Chancellor; St. Androis; Ergyll; Cassillis; Secretary; Privy Seal; Treasurer Depute; Clerk of Register; Advocate; Sir Robert Melvill. Sederunts. Fol. 81, a.

Lord Burley.

"The Lord of Burley repossest to his place in Counsell."

6th August 1613.

Commission for the trial of Elspet Maxwell and her sons, vagabonds and "Egyptians."

Commission under the Signet, signed by Jo. Prestoun, Sir T. Hammyltoun, and J. Cockburne, to the provost and bailies of Striviling, to try Elspett Maxwell, alleged natural sister to the Laird of Newark, and James and Alexander Fae, her sons, thievish vagabonds and "Egiptianes." Commission Fol. 168, b.

Acta Oct. 1612–Nov. 1614. Fol. 65, b.

Sederunt—Chancellor; Bishop of Glasgow; Ergyll; Glencairne; Kinghorne; Roxburgh; Scone; Blantyre; President; Secretary; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsythe; Bruntyland; Medop. Edinburgh, 25th August 1613.[1]

Fol. 66, a.

Charge to the Earls of Argyle, Menteith, Linlithgow, Perth, Tullibardine, Moray, and other nobles and lairds, landlords of the Clan Gregor, to appear before the Council to hear what new mode of dealing with the Clan Gregor his Majesty will be obliged to adopt in consequence of the refusal of the said landlords to abide by their offer of a certain contribution out of the Macgregor lands towards his Majesty's expenses in suppressing the Clan.

"Forsamekle as, the landislordis of the Clan Gregour being so havilie oppresst with that wicked and unhappie generatioun of the Clangregour as divers of thame wald willinglie haif gevin the ane half of the landis possest be the saidis lymmaris for assuirance of the uthir, his Majestie, to his exceiding grite panes, chargeis, and expensis, causit tak suche panes for rooteing oute of that accursit race as now the haill roumes formarlie possest be thame ar in the peceable possessioun of the landislordis, without feare or trouble of the Clangregour; the consideratioun quhairof moved the saidis landislordis to mak a free and willing offer to his Majestie of a certane contributioun and soume of money to be payit oute of the landis possest be the Clangregour [see p. 113]; and his Majestie hoiping that now, after the finisheing of this service, the saidis landislordis wald haif stoode to the offer and conditioun maid to his Majestie: nochtwithstanding thay ar so far frome acknowlegeing his Majesteis cair and grite expensis bestowit for thair weelefair as most unthankfullie and undewtifullie they haif gone bak frome that whilk willinglie thay had offerit to his Majestie; whairupoun his Majestie hes tane occasioun to signifie his will and pleasour to the Lordis of his Majesteis Previe Counsell in what forme his Majestie will proceede aganis the Clangregour in tyme comeing: Thairfoir the saidis Lordis ordanis letteris to be direct chargeing Archibald, Erll of Ergyll, Johnne, Erll of Menteithe, Alexander, Erll of Lynlythgow, , Erll of Perth, Williame, Erll of Tullibardin, James, Erll of Murray, David, Lord of Scone, James, Lord of Madertie, Sir Duncane Campbell of Glenurquhy, Alexander Colhoun of Luss, Buquhannane of that Ilk, James Campbell of Laweris, Johnne Campbell, his bruther, Alexander Menyees of Weyme, Duncane Menyes, his bruther, Robert Robertsoun of Strowane, James Reidheugh of Cultibragane, Campbell of Glenlyoun, Sir Archibald Stirling of Keir, Mr James Shaw of Knokhill, Alexander Shaw of Cambusmoir, Thomas Grahame of Boquhapple, Coline Campbell of Ardinaple, Johnne Campbell of Caddell, Johne Grant of Freuchie, Sir Dougall Campbell of Auchinbrek, Sir Johnne Campbell of Ardinkinglas, to compeir personalie befoir the saidis Lordis upoun the xvj day of November nixtocome, to heir and see his Majesteis will and pleasour concerning the course quhilk his Majestie intendis to prosequute and follow oute aganis the Clangregour heir-

[1] On 14th August there had died, aged 83, David Lindsay, Bishop of Ross since 1600. He had been minister of South Leith almost since the Reformation, and continued to hold that living in coujunction with his bishopric. He had been a Privy Councillor since his accession to the Bishopric; and how assiduous he had been in his attendances on the Council may be seen from the records of these attendances in previous volumes of this Register.

eftir intimat and declairit unto thame, to the effect thay pretend no ignorance of the same, and that thay compeir personallie to the effect foirsaid, under the pane of rebellioun, &c., with certificatioun, &c." Acta Oct. 1612–Nov. 1614.

License to the Earl of Errol to reside in the shires of Aberbeen and Banff, and to look after his affairs in those shires, from the 1st of October next to the 15th of March following.

Petition by Franceis, Erll of Errole, as follows:—"At this approcheing terme of Martymes he hes mony grite and weghtie affairis to do in the northe, especiallie for redemptioun of some landis, and the payment of certane grite soumes of money quhairin he standis oblist to sindrie his creditouris; and at the terme of Witsonday thairefter he hes the haill takis of his landis and baronyis of Slanes, Turreff, and utheris his landis in the northe, to renew, quhilkis takis ar every fyve yeir anes renewit, and at this approcheing terme of Witsonday the laite fyve yeiris tak of the saidis landis expyris, sua that, yf he be not in the northe at that tyme to take ordour for renewing of his takis, his haill leving in the northe wilbe cassin louse." He desires therefore to have liberty to resort to the shires of Aberdeen and Banff to look after his interests in those shires.—The Lords, having considered the petition, "grantis licence to the said Frances, Erll of Errole, to resoirt and repair northe to the schirefdomes of Abirdeyne and Banff, at ony tyme he pleis after the first day of October nixttocome, and to remane thair for doing of his affairis and busynes untill the xv day of Marche nixtocome, he first finding cautioun actit in the bookis of Secreit Counsell that betwix and the said xv day of Marche he shall lauchfullie reenter in his present warde, and thair remayne upoun the conditionis of his present cautionarie." Fol. 66, b.

Further decreet in the matter of the dispute between Andrew Ker of Yair and the burgh of Selkirk.

Repetition of the narrative of the previous act of 3rd August (p. 127) from the words "fforsamekle as it is undirstand" to the words "without remeid be providit," and citation of the charge in that act to Andro Ker of Yair, on the one part, and the provost and bailies of Selkirk on the other to appear before the Council "this present xxv day of August" to underlie such order as the Council should prescribe in the matter of the dispute between them.—The said Andro Ker of Yair now appearing, and George Mitchelhill, provost of Selkirk, being likewise present for himself and for the bailies and council of the burgh, and the reasons and allegations of both parties having been considered, "togidder with ane act produceit be the said George Mitchelhill, beiring that the said Lordis of Previe Counsaill had alreddy tane ordour betwix the saidis pairtyis, for observing his Majesteis peace, by dischargeing the provest and baillies of Selkirk to ryde thair marcheis and landis debetable, and by dischargeing the said Andro Ker to hald and pastur his bestiall and goodis, or to cast faill, fewall, or dovett upoun that parte of the mure and commountie contravertit betwix him and the toun of Selkirk,[1] quhill the Lordis of Counsell and Sessioun, befoir whome thair is actioun depending betwix the saidis pairtyis anent the saidis debetable landis, gif furthe and pronunce thair decreit and sentence thairin as accordis": the Lords of Council, "according to the first act and ordinance foirsaid maid be thame Fol. 67, a.

[1] From "that parte" to "Selkirk" has been marked out and *thair* inserted before "upoun."

Acta Oct. 1612–Nov. 1614.

in this mater and produceit be the said George Mitchelhill as said is, decernis and ordanis bothe the saidis pairtyis to conforme thame selffis to the said first act and ordinance, and to obey the same in all pointis, ather of the saidis pairtyis under the pane of fyve hundreth merkis. And, whairas thir materis questionable betwix the saidis pairtyis wer formarlie submittit as said is, the saidis Lordis ordanis thame of new to submitt thair differenceis to thair first arbitouris, and assignis unto thame the xv day of September nixttocome to compeir befoir the saidis Lordis to perfyte the said submissioun, and ordanis the said provest of Selkirk to compeir sufficientlie instructit with a pouer, warrand, and commissioun frome the toun of Selkirk to him self to perfyte the said submissioun for thair pairte."

Decreta June 1612–Dec. 1613.

[Sederunt as recorded above.]

Edinburgh, 25th August 1613.

Fol. 240, b.

Suit of Archibald Primrose in the matter of his tack of the teinds of Largo.

Complaint by Archibald Prymrois, writer, as follows:—Pursuer has lawfully "comprisit" the tack of the teinds of the barony of Largo, formerly belonging to Andro Wood of Largo, and has served an inhibition thereupon. Pursuer has also "intentit actioun" before the Lords of Council and Session for "reduceing of the assignatioun maid be the said Andro Wood" to his daughters Cristeane, Lillias, and Issobell Wood of the said tack. Nevertheless pursuer is informed that the said

Fol. 241, a.

daughters intend this year, with the assistance of their friends, "violentlie to mell and intromett with the saidis teyndis," and to debar him from the same.—Pursuer appearing personally, and defenders appearing by Henry M°Kiesoun, their procurator, the Lords give power to the said Henry M°Kiesoun, "as a newtrall and indifferent persone," to collect, lead and stack the said teinds "in suche indifferent place as he sall think meete," and to keep the same "undir sequestratioun and arreistment" till the Lords of Council and Session give their decision.

More in the case of Andrew Turnbull against Sir John Ker of Littledean and his son.

Complaint by Sir William Oliphant of Newtoun, knight, for the King's interest, and Andro Trumble in Bonchester, and his sons Johnne and Thomas Trumble, against Sir Johnne Ker of Litledene and his son:

Fol. 242, a.

"anent the stryking and dinging of the said Thomas Turnbull; anent the assedgeing of the said Andro Trumblis house, lying about the same all nicht, taking of the said Thomas Turnble furth thairof, carying him to the tolbuith of Jedburgh, and laying him in the stokis; and tuitching the taking of the said Johnne Trumble furth of the said Adam Rutherfurdis house and laying of him in waird" [see *ante*, p. 127].—Pursuers and defenders being present, the Lords assoilzie defenders (1) in the matter of the striking of the said Thomas;[1] (2) in the matter of the "hurling" of the said Johnne from his father's house in Gatascott,—the

Fol. 242, b.

reason being that Alexander, Earl of Home, heritable proprietor of the lands and barony of Abotreule, had obtained a decree from the sheriff of

[1] Certified thus in the margin in the handwriting of J. Prymrois:—"and siclyke assoilyeis the saidis defendaris fra that point of this complaynt.—J. Prymrois."

Roxburgh for removing pursuers, and that defender, acting as his lawful assignee, had entered the said lands by William Rutherfurde, messenger, and one of the sheriff officers of the sheriffdom of Roxburgh. With regard to the other two charges,—viz., the taking of the said Thomas to Jedburgh, and the taking of the said Johnne from Adam Rutherfurd's house,—the Lords find these charges clearly proven against the said William Ker, and that he acted by command of his said father,—who, though the said William was "in household and company" with him and "unforisfamiliat," had not "querrellit nor found fault" with the said William for that cause. In respect, however, of the said Sir Johnne's "disease and seiknes, quhilk wes testifeit unto thame be Doctor Hunnyman upoun his solemne oath of veritie," the Lords only order the said Sir Johnne to keep ward in Edinburgh and not to pass forth thereof without permission; but they ordain his son to be committed to ward within the Castle of Edinburgh, and there to remain at his own expense during their pleasure. Decreta June 1612–Dec. 1613.

John Symington against William Chancellor of Shielhall and others for a series of acts of oppression.

Complaint by Johne Symentoun in Cathcone as follows:—In 1606 William Chancellair of Sheilhill, and James Chancellair, his brother, came to pursuer's "rowme" and lands of Caithcone, and violently took two oxen belonging to pursuer. Also, in 1607, Hew Chancellair in Cathcone came to pursuer's house and took away one cow, and in the same year the said Hew came to pursuer's ground "and thair kaist ane stak of aitis," and carried away with him several bolls of the same; and, on another occasion in the same year, the said Hew "yockit his pleuch" on the pursuer's ground, and "teillit ane half aiker" and "sew the same with his awne cornis." Also, in 1609, the said Hew came to the said "rowme" of Cuthcone, where pursuer "wes gangand at the pleugh teilling the saidis landis," and committed a violent assault on him, so that pursuer fled for his life; whereupon defender "strak and dang his horse and oxin with a grite fork, and chaissit thame af the saidis landis." Also, in the same year, the said James Chancellair, by the direction of the said William and Robert Chancellair, came to the said place, and there "streikit pleuch and teillit and sew the same": and "the saidis William and Robert keepis and detenis frome him his saidis landis." Further, in the same year, Agnes Symentoun, spouse of the said Robert Chancellair, her daughter Margaret, and her son Archibald, came by the said Robert's direction to pursuer's house, "brak his cairtis," entered the house, committed an assault on pursuer and wounded him on the head, took away "a grite aik kist with certane insicht and plenischeing" of the value of 40 merks, "pullit the said complenairis haill yaird of lynt," and carried the same away. During the whole summer of the said year, the said Robert "causit hald and pasture" two oxen and two "ky" upon that part of pursuer's land which he had sown. Further, in 1610, the said Robert came to pursuer's barn, where he had forty "thrave" of bere, and therein put eight "nolt" and two horses, and "held thame thair quhill thay eitit and distroyit the same"; and the same year he Fol. 243, a. Fol. 243, b.

Decreta June 1612-Dec. 1613.

caused pursuer's whole lands to be tilled and left pursuer nothing "quhairupoun to leive." Also James Brown in Calay violently took away two oxen, and still keeps the same; and in 1609 Waltir Broun, messenger in Carnwath, came to pursuer's barnyard, and, having threshed a stack of corn, took both corn and straw away. The said Waltir also took away a cow, and in the following March came and carried off three bolls of oats which pursuer was threshing.—Pursuer appearing personally, and the said James and Hew Chancellair and Waltir Broun being also present, the Lords remit the matter to the Earl of Mar, whose tenants pursuer and defenders are, to be tried by him and his bailies of the barony of Carnewath.

Act in favour of the burgh of Irvine, empowering the Magistrates and Council thereof to exact certain imposts on shipping for the upkeep and repair of their harbours.

Fol. 244, a. Petition by the provost, bailies, counsale, communitie and inhabitants of the burgh of Irwing, as follows:—The harbour of the burgh is now "by the force and violence of the sea altogidder ruinated and decayit, sua that no schip, crear, bark, nor boit may saulflie arryve within the same." The petitioners are unable by themselves to "reedifie and repair the same after suche ane firme, sure, and substantious forme and maner as is requisite." They have alreddy "exhaustit and wraikit thair haill commoun good" upon that work and upon the buying of ane uther harborie besyde the Trowne." The Estates of Parliament have from time to time given warrant for visiting the said harbour, in order that some course might be taken by the Burghs of the kingdom concerning the establishing of an impost on every vessel arriving within the said harbour and the new harbour beside the Trowne. In a general Convention of Burghs, held at Couper on 9th July 1609, the Commissioners of the Burghs gave licence to petitioners to "impetrat" of his Majesty and the Privy Council an impost, "callit the ankiraigeis and dock silver," to be used in the upkeep of the said harbour at the Trowne, and to be "upliftit" of all ships arriving in the harbour of Trowne, viz.: of each ship of 40 tons and more 5s 8d., of each ship between 20 and 40 tons 5s., of each "couping boit" 20d., and of each fishing boat 8d.: and in the late Convention of Burghs held at Dunbar on 9th July last the Commissioners gave licence to ask the following impost to be in force for 13 years after the said 9th July, and to be used in repairing the said

Fol. 244, b. harbour, viz.:—of every ship, bark, or crear, 20s. on each occasion of coming within the harbour or liberties; of every fishing boat, 12s. once in the year, "the tyme of thair fisheing." As the upkeep and repair of these harbours are not only for the good of the petitioners, but also for that of the entire merchant service on the west coast, the petitioners desire an act of Council granting them the above named imposts.—The Lords grant the petition, giving the foresaid impost at the harbour of Trowne for 5 years, and the foresaid impost at the harbour of Irving for 13 years, together with full power to the provost and bailies of Irwing to uplift the same.

Similar act in favour of the burgh of Wigtown for a like purpose.

Fol. 245, a. Petition by the provost and bailies of the burgh of Wigtoun as follows: —The Commissioners for the Burghs at their Convention at Dumbar

on 9th July last granted to the petitioners licence to "impetrat" of the Lords the following impost, to be used for the repair and upkeep of the harbour of the burgh, which "is now become altogidder ruynous," viz.:—an annual impost of 20s. from every ship, bark, crear, &c., excepting the ships belonging to the inhabitants of "frie regall burrowis," arriving within Lochryane; and that the impost should endure for 13 years. Petitioners crave the necessary powers from the Lords.—The Lords grant petition anent the aforesaid tax, but limit the period to 5 years. Decreta June 1612-Dec. 1613. Fol. 245, b.

Caption against Edward and Robert Kincaid for debt.

Complaint by Thomas Robesoun, "stabulair" in the Cannogait, that Edward Kincaid, burgess of Edinburgh, and Robert Kincaid, his brother, remain unrelaxed from a horning of 3rd December 1612 for not paying to pursuer 100 merks of principal and £10 of expenses.—Pursuer appearing personally, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 246, a.

Caption against John Kirkpatrick of Friarcarse for debt.

Complaint by Margaret Donaldsoun, relict of William Smyth, tailor, burgess of Edinburgh, that Johnne Kirkpatrik of Freircarse, and Johnne Kirkpatrik, fear thereof, remain unrelaxed from hornings of 10th and 27th October 1612 for not paying to pursuer 200 merks of principal and £40 of expenses. — Pursuer appearing by Archibald Douglas, macer, and the said Johnne Kirkpatrik of Freircarse not appearing, there is order against the latter as above. Fol. 246, b.

Caption against Richard Abercromby and others for debt.

Complaint by Robert Lowrie, tailor, burgess of Edinburgh, that Richard Abircrombie of Poltoun, David Ramsay in Hilheid, Thomas Andro in Poltoun Mylne, and James Purdie in Leswaid, remain unrelaxed from a horning of 16th August instant for not paying to pursuer 500 merks of principal and £50 of expenses.—Pursuer appearing by Thomas Lawrie, his procurator, and defenders not appearing, the Lords give order as above against defenders. Fol. 247, a.

Caption against Robert Chancellor of Shielhill.

Complaint by Allane Lokhart of Cleghorne, and Grissell Bannatyne, his spouse, that Robert Chancellair, fear of Scheilhill, remains unrelaxed from a horning of 9th February last for not "warranding, acquiteing, and defending to thame all and haill auchtene oxingait of land of the landis of Over Quothquone," with pertinents, to be free from all "wairdis, releiveis, nonentresis, terceis, and utheris perrellis," according to contract "past betwix the said Robert Chancellair and Johnne Chancellair, his sone and appeirand, as with speciall advise and consent of Gawin Hammiltoun of Roploche and William Hammiltoun of Dalserff, at quhais instance the said Johnne is interdytit, on the ane pairt, and the saidis complenaris, on the uther pairt,"—of the date 27th July and 9th August respectively in the year 1611.—Pursuers appearing by Archibald Douglas, macer, and defender not appearing, there is order against defender as above. Fol. 247, b.

Protest by the Earl of Argyle against suspension of a

This day appeared personally Archibald, Earl of Ergyle, in answer to a summons raised at the instance of Johnne Grant of Freuchie, and produced the letters of horning which he had raised against the said

Decreta June 1612-Dec. 1613.

Laird of Grant for not exhibiting before the Council Johnne Dow M^cEane V^cPhatrik, brother to the goodman of Tullochgorme, Sone Grant in Cur, Andro Schaw in Glencarmiche, Johnne M^cCondochie in Gartinbeg, Johnne M^cWilliam V^cEane in Tullich, William Beg V^cEane V^cAngus in Dell, Archibald Grant, brother to Johnne Grant in Glenmorestoun, Alexander Murray, "sumtyme callit M^cGregour," in Ardlathie, Alexander Murray, his son, Duncane Grant in Lettoche, William Gaw in Rathemwne, and William M^cFinla V^cCondoquhie in Drum, tenants and servants of the said Laird of Grant. The said laird had craved suspension of the horning for "certane reasonis and causis"; but, as he does not appear, and as the said Earl protests against the suspension, the Lords order the process of horning to be duly executed against the said laird. horning he has obtained against the Laird of Grant.

Fol. 248, a.

Complaint by Mr Petir Kynloquhie of Kett[i]lstoun, and Jonet Muschet, his spouse, that Harie Duncane of Williamcraigis remains unrelaxed from a horning of 3rd July last for not finding caution of 1000 merks for pursuer's indemnity.—Pursuers appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to aprehend defender, seize his houses, and inventory his goods for the King's use. Caption against Harry Duncan.

Fol. 248, b.

Complaint by Thomas Kennedy of Hallathis, that Frances Johnnstoun, "callit of Locharbie," as executor of the late Johnne Johnestoun, "callit of Locherbie," his brother, remains unrelaxed from a horning for not paying pursuer £115, being the price of "ane lyert horse" bought from pursuer by defender's late brother, together with £6 of expenses. —Pursuer appearing by Archibald Douglas, macer, and defender not appearing, there is order against defender as above. Caption against Francis Johnston.

Fol. 249, a.

Complaint by Elizabeth Galloway, relict of James Alexander, merchant, burgess of Dundie, that Stephane Currour, son of David Currour of Logie Megill, remains unrelaxed from a horning af 22nd June last for not paying pursuer £500. — Pursuer appearing by Archibald Douglas, macer, and defender not appearing, there is order against defender as above. Caption against Stephen Curror.

Complaint by Thomas Davidsoun, "*alias* callit Inglis Thomas," that Johnne Ainslie, merchant, "callit the goodman burges of the burgh of Jedburgh," remains unrelaxed from a horning of 22nd June last for not paying to pursuer £17 sterling, as specified in a contract between the parties of 7th October 1612, and 100 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, there is order against defender as above. Caption against John Ainslie.

Fol. 249, b.

The Lords appoint the 15th day of September next for hearing the complaint by Alexander Barclay, merchant, burgess of Edinburgh, against William Bowman, collier in Cragoth, for assaulting pursuer outside the town of Mayboill on the 16th of June last, and wounding him "in the scheulder, bak, elbow, and utheris pairtis," and furthermore order all such persons "as best knowis the veritie" to appear on that day. Alexander Barclay against William Bowman for assault.

Caption against Patrick Guthrie of Auchmithie.

Complaint by Andro Eliot, burgess of the burgh of Abirbrothok, that Patrik Guthrie of Auchmutie, as principal, and Johnne Auchtirlony of Cairny, as cautioner, remain unrelaxed from a horning of 12th June last for not paying to pursuer 2000 merks of principal and 500 merks expenses. —Pursuer appearing by Mr Johnne Drummond, his procurator, and the said Patrik Guthrie not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta June 1612–Dec. 1613. Fol. 250, a.

Walter Scott of Tushielaw against Johnston of Howgill and his sons.

Complaint by Waltir Scot of Tuschelaw, that Johnne Johnnstoun of Howgill, William, Johnne, Robert, and Gilbert Johnnstoun, his sons, and others, "all bodin in feir of weir," came to pursuer's lands of Moscarswell, where the late William Graham, his servant, was for the time, and that there the said Robert attacked the said servant most fiercely, and wounded him in the side, "quhairby thrie of his ribis wer cuttit," and left him for dead. On another occasion the said Johnne and his sons and accomplices came to the said lands, and "violentlie dimoleist and kaist doun to the ground thrie housis." Defenders daily menace pursuer's tenants on the said lands, "avowing with mony horrible aithis" to have their lives if they occupy the said lands,—"quhairthrow the saidis landis ar layed waist."—Pursuer appearing by Alexander Douglas, macer, and the defenders not appearing, the Lords order defenders to be denounced rebels. Fol. 250, b.

Homer Maxwell against Thomas Grierson and his son.

Complaint by Homer Maxwell of Speddochis, as follows:—Pursuer and his predecessors have long had possession of the lands of Speddochis, "with the corne mylne and walk mylne thairof." But, on Sunday 8th August instant, Thomas Greirsoun, "callit of Dalgounour," and his son Johnne Griersoun, came armed to the said mills, and "violentlie dimoleist and kaist doun the dammes thairof, and thairby hes layed the said complenaris saidis mylnes waist."—Pursuer appearing personally, and defenders not appearing, the Lords order defenders to be charged to enter themselves in ward within the Tolbooth of Edinburgh, and there to remain at their own expense till the Lords further consider the case. Fol. 251, a.

David Corrie against the Earl of Cassillis for suspension of horning.

Complaint by David Corrie, brother of George Corrie of Kelwood, that he has been put wrongously to the horn at the instance of Johnne, Earl of Cassillis, for not entering his person in ward in the Tolbooth of Edinburgh till the consideration of his alleged insolence against the said Earl. Complainer was not lawfully charged to appear, otherwise he would have been present; and, for obedience, he had found caution for 500 merks to appear this day, and to pay to his Majesty's Treasurer 20 merks "for his eschete guidis." Complainer therefore craves suspension of process of horning.—Pursuer appearing personally, and defender appearing by proxy, the Lords suspend the said process of horning, but order the pursuer to be committed to the Tolbooth of Edinburgh and there to remain at his own expense during the pleasure of the Lords. Fol. 251, b.

The Earl of Moray against the Laird of

Complaint by James, Earl of Murray, and Sir William Oliphant of Newton, knight, for the King's interest, as follows:—The said Earl and

Decreta June 1612–Dec. 1613. Fol. 252, a.

MacIntosh and others for violence to the Earl's tenants in Inverness-shire.

his predecessors have had possession of the lands and baronies of Pettie, Strathnarne, and Stratharne within the sheriffdom of Inverness; but of late Lauchlane M^cIntosche of Dunnauchtane has begun "verie havelie to molest and oppres the said Erll" in the possession of the same, and intends "be oppin deid, bangastrie, and oppressioun" to make the said lands altogether unprofitable to the said Earl. The defender, "knowing weill that the cheif and principall dewtie quhilk the said Erll hes of the saidis landis doeth consist in the personall service of the tennentis," daily seeks to compel them to disobedience. Thus, when the said Lauchlane heard that the Earl's brother-in-law, the Earl of Engzie, was

Fol. 252, b.

to go in the month of June last to Badyenoche and Lochaber to hold justice courts, and that the Earl of Murray intended to send some of his tenants to accompany the Earl of Enzie, he, with the assistance of William M^cIntosche of Boirlun, William M^cIntosche of Reak, Donald M^cQuene of Corribroch, Johnne M^cQuene, his brother, and Allaster M^cYeachan in Wester Largis, convened the tenants of the said lands at Murleawre on the 1st, 2nd and 3rd June last, and forbade them to obey the Earl, "undir the pane of incurring of the said Laird of M^cIntosche his havie wraith and indignatioun." Also, upon one or other of the said days, the said Lauchlane and his accomplices, "forgaddering" with Angus M^cAllister, officer to the Earl of Murray, while going about to direct the tenants to accompany the Earl of Engzie, put hands on the said officer, "and first verie proudlie askit him how durst he undertak suche ane message," and then threatened to hang him "but dome or law," if he should ever come again within these bounds, and said that, although the lands were the Earl's, yet the tenants should not be allowed to obey the Earl. When the officer told them he would inform his master, the Laird of M^cIntosche replied disdainfully, "Go tell him: I will avow the deid," and therewithal caused the officer to return "for just feir of his lyff."—

Fol. 253, a.

Pursuers appearing personally, and the said Lauchlane being present, but the other defenders not appearing, the Lords find the charges against the said Lauchlane proven, and declare that he has committed a very great offence, "tending to the brek of his Majesteis peace and to the renewing, foistering, and intertenying of the formair abuisis, misordour, and insolencyis, whilkis formarlie wer so frequent and commoun in the Heylandis," and which his Majesty with great trouble had "in some measour rooted out." They therefore order the said Lauchlane to be detained in the Castle of Edinburgh at his own expense till they further consider his case; and they order the other defenders to be denounced rebels.

Minute Book.

The Minute Book of Processes gives the following memoranda collectively for the month of August 1613:—

Rebellion: M^r Thomas Young against Thomas Inglis.

Warrand to cite the Magistratis of Drumfreice for exhibiting Robert Phillop, preist.

Letteris against Sir Johne Ker of Litledean for assumeing the title of Lord.

Rebellion: Elias Tayleour against Sir James Douglas. Minute Book.

Imprisonment: Johne Bradie against the Magistratis of Stirling.

Proces for abstracting wryttis: Robert Mathew against Patrik Eviott.

Ryott: Arthour Kennedy against Alexander Barcley.

Commissione to the Advocatt to survey the landis of Huntingtour resigned in his Majesteis handis.

Rebellion: Johne Gib against Sir Francis Wauchop.

Warrand to cite Stewart of Jerusalem for hearing messe.

Petitione: Alexander Gordon to take his oath *preterito termino.*

Oppressiones: Andro Turnbull against Sir Johne Ker.

Petition: Earle Arroll to travell within the boundis of Abirdene and Bamff.

Oppressione: Johne Symintoun against William Chancellar.

Rebellion: Margaret Donaldsone against Johnne Kirkpatrik.

Decreit betwixt the toune of Selkirk and Andro Ker anent the ridding of thair marches.

Letteris: Archibald Primrose against Cristeane and Lillias Woodis, who intendit to intromett with the teinds of Largo.

Petition: Burgh of Wigtoun for uplifting ane impost to repair thair harbory.

Petition: Burgh of Irwing for uplifting ane impost for repairing and manteaning thair harborie.

Suspensione: David Corrie against Cassillis.

Oppressione: Homer Maxwell against Thomas Greirson.

Rebellion: Thomas Davidson against Johne Ainsley.

Rebellion: Andro Ellot against Patrik Guthry.

Rebellion: James Alexander against Stevin Curror.

Protestation: Earle Argyle against Grant.

Rebellion: Thomas Robison against Edward Kincaid.

Ryott: Walter Scott against Johne Jonstoun.

Rebellion: Thomas Kennedy against Francis Jonstoun.

Rebellion: Allan Lokhart against Robert Chancellar.

Ryott: Alexander M^{c}Intosh against Angus M^{c}Phersone.

Ryott: Samuell Cokburn against Sir James Dundasse.

Precognitione against Haddan and Livingstoun.

Precognitione against James Shaw and M^{r} Joseph Haddan.

Suspension: James M^{c}Cornok against Alexander Barcley.

Rebellion: M^{r} Peter Kinlochy against Hary Duncan.

Rebellion: Robert Lourie against Richard Abercromby.

Oppression: Earle Murray against M^{c}Intosh.

Edinburgh, 1st September 1613.

Sederunt—Chancellor; Secretary; Advocate.

Acta Oct. 1612–Nov. 1614. Fol. 67, b.

Enumeration of persons in the sheriffdom of Elgin and

"Forsamekle as the ressettis and supplie whiche the infamous thevis and lymmaris of the Clangregour hes had in divers pairtis of the cuntrey [*preamble continued as in former similar acts at p.*

Acta Oct. 1612–Nov. 1614.

51, p. 101, and p. 119]; according quhairunto the commissionaris within the schirefdome of Elgin and Forres, in the courtis of tryall haldin be thame within the burgh of Elgin upoun the sevint, aucht, nynt, tent, twelft, threttene, xiiij, xv, xvj, xvij, xx, and xxj dayis *respective* of May, the yeir of God, j^{m}vj^{c} and twelf yeiris, did call and convene before thame the personis particularlie undirwrittin [*preamble continued as in former similar acts*]. Quhilk being oppynnit in the saidis Lordis presence, and the processis being red, hard, sene and considderit be the saidis Lordis, and thay ryplie advisit thairwith, the Lordis of Secrite Counsaill ffindis and declairis, that the personis particularlie undirwrittin ar guiltie and culpable of the resset, supplie, and intercommoning with the Clangregour, aganis his Majesteis lawis and proclamationis, in maner specifeit in the proces returnit unto the saidis Lordis frome the commissionaris abonewrittin, beiring the judiciall confessioun of the saidis personis; and thairfore the saidis Lordis hes decernit, adjudgeit, and fynit the personis particularlie undirwrittin and everie one of thame in the soumes of money following, viz.:— Johnne Grant of Freuchie, in the soume of fourty thousand merkis; Patrik Grant of Ballindallach, in the soume of fyve thousand pundis; James Grant in Forlettir, in the soume of twa hundreth merkis; Finla M^{c}Growmoyne, thair, in the soume of ane hundreth merkis; Johnne M^{c}Coneill V^{c}Eane Rawer in Inverchebit, in the soume of fiftie merkis; Johnne Grant, sone to Petrie Grant, *alias* M^{c}Jokie, in Tullich, in the soume of thrie hundreth merkis; Coline Campbell of Boith, in the soume of twa thousand merkis; Patrik M^{c}Conlea in Finran, in the soume of fyftie merkis; Patrik Gaw M^{c}Eane Gault in Torren in Strathdon, in the soume of fiftie merkis; Robert M^{c}William in Callender, in the soume of ten merkis; Johnne Riach M^{c}Gowne in Auchnalichyle, in the soume of fyve hundreth merkis; Patrik Grant of Carroun, in the soume of ane thousand pundis; William Forbes in Over Riemoir, in the soume of ane hundreth merkis; William M^{c}Eane Variche in Carne, in the soume of twenty pundis; Johnne Stewart, thair, in the soume of fourty pundis; Johnne Dow M^{c}Ean Riach in Tomaclagan, in the soume of thrie hundreth merkis; Allaster M^{c}Ean Riach V^{c}Agawne in Forterlettir, in the soume of twa hundreth pundis; Johnne M^{c}Gillemichaell, thair, in the soume of ane hundreth merkis; Duncane M^{c}William V^{c}Eane in Auchlorne, in the soume of fyftie pundis; James M^{c}William V^{c}Allan in Dalliverar, in the soume of twa hundreth merkis; William Birnie in Rirorie, in the soume of twenty pundis; and William M^{c}Kynla in Auchriachan, in the soume of ane hundreth pundis. And the saidis Lordis ordanis letteris to be direct chargeing the personis particularlie abonewrittin to mak payment of the soumes of money abonespecifeit, ilkane of thame *respective* for thair awne pairtis, as is above dividit, to his Majesteis Thesaurair and ressaveairis of his Majesteis rentis, or to suche utheris as hes the richt of the same be gift and dispositioun maid to thame thairof be his Majestie, within xv

Forres fined for reset of the Clan Gregor, with specification of the amount of the fine in each case.

Fol. 68, a.

dayis nixt efter the chairge, undir the pane of rebellioun, &c., and gif thay failyie, &c. to denunce, &c." Acta Oct. 1612-Nov. 1614.

Edinburgh, 15th September 1613 (*ante meridiem*).

Sederunt—Chancellor; Bishop of Glasgow; Ergyle; Marschell; Glencarne; Lotheane; Bishop of Caithness; Roxburgh; Blantyre; Cranstoun; Kildryme; President; Secretary; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Sir Johne Arnote. Decreta June 1612-Dec. 1613. Fol. 253, b.

Captain Alexander Wishart of Faisdo against Strauchan of Thornton and others for violence.

Complaint by Sir William Oliphant of Newtoun, knight, for the King's interest, and by Captain Alexander Wischart of Faisdo, as follows.—On 17th August last, the said captain was with Alexander Strauchane of Thornetoun in the place of Thornetoun, and at dinner had a conversation anent the tack of the teinds of Pitarro and some other lands belonging to the said captain. At the desire of the Laird of Thornetoun the discussion was continued to 19th August following, and the said laird "earnistlie intreatit" pursuer to come back that day, and "he sould haif the tak dewlie formitt and deliverit to him upoun suche reasounable conditionis as sould content him." When the captain, accompanied by three domestic servants, was approaching the house on the appointed day, "being alwyse upoun his awne ground and heritage," he perceived that he was "invironed about on all sydis" by men to the number of eighteen, armed with hagbuts and pistolets; and of these the following were the chief:—the said Alexander Strachane, Johnne and George Straquhan, his uncles, M^r^ Robert *alias* Doctor Straquhan, Adam Straquhan, son of the late Straquhan of Glenkindi, Gilbert Touch at the mylne of Bogindoloche, Alexander Straquhan there, Waltir Pikieman, servitor to the Laird of Thornetoun, Robert Irving in Quitstane, Robert Straquhan, son of William Straquhan, sometime in Mureailhouse, and Alexander Straquhan at the mill of Glendi. They "troupit about the said capitane, and maid him to licht frome his horse, seameing, as appeirit to him, to . . .[1] purpois foirsaid anent the tak"; but, having separated the captain's servants, the said laird, who was accompanied by his uncles and the "Doctor," in a "verie presumptuous and boisting maner cravit frome the said Capitane Alexander ane lettir of dischairge and renunciatioun past of long tyme before betwix the said capitane and Margaret Straquhan, suster to the said laird." When the captain refused, the laird and his companions, "all in a voce, with mony horrible aithis," threatened to take his life. The captain replied that he could not hand over the letter, "althoght thay sould tak his lyff," because it was in his charter chest in his house of Balfoure. Thereupon they carried him against his will to his said house, where he was forced by the said Johnne Straquhan, M^r^ Robert Straquhan, Adam Straquhan, and Alexander Fol. 254, a.

[1] MS. illegible.

Decreta June 1612–Dec. 1613.

Straquhan (of the Mylne of Glendy), to deliver up the "renunciatioun." They afterwards carried pursuer back as prisoner to the said Alexander Straquhan of Thorntoun, and "than with mony scornefull, moking, and

Fol. 254, b.

reprotchfull spetcheis dimittit him and his servandis."—Pursuers appearing, and passing from the charge of carrying hagbuts, and Alexander Strauchane of Thorntoun, his uncles, the "Doctor," Adam Straquhan, Waltir Pikieman, Alexander Straquahan (at the mylne of Bogindolloch), Gilbert Touch, Alexander Straquhan (at the mylne of Glendie), and Alexander Irwing of Quhytstane, also appearing, but Robert Irwing not answering the summons, the Lords assoilzie the defenders who are present from the charge of uttering threats and compelling the pursuer to act against his will,—without prejudice, however, to the pursuer to raise an action before the proper court for delivery of the "renunciatioun" aforesaid. The Lords further order the said Robert Irwing to be denounced rebel.

Fol. 255, a.

Complaint by Johnne Baillie, "baxter," burgess of Edinburgh, that Thomas Johnnstoun, portioner of Currie, remains unrelaxed from a horning of 1st June last for not paying to pursuer £10 for each boll of 20 bolls of wheat, together with £40 of expenses, and also £160 of principal, and £20 of expenses.—Pursuer appearing personally, and defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Thomas Johnston for debt.

Complaint by James Aikman, merchant tailor, burgess of Edinburgh, assignee constituted by James Baillie of Craig, that Agnes Bellindane, relict of James Bellindane of Pindreich, remains unrelaxed from a horning of 13th August last for not paying to pursuer 300 merks. —Pursuer appearing by Archibald Douglas, macer, and defender not appearing, there is order against defender as above.

Caption against Agnes Bellenden.

Fol. 255, b.

Complaint by George Welsche, merchant, burgess of Edinburgh, that William Scott, merchant, burgess of Selkirk, as principal, and Johnne Scot, bailie and burgess of the said burgh, as cautioner, remain unrelaxed from a horning of 23rd June last for not paying to pursuer £106 of principal, and £20 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords order as above against defenders.

Caption against William and John Scott.

Fol. 256, a.

Complaint by Johnne Murray, younger, merchant, burgess of Edinburgh, assignee constituted by Elizabeth Lyoun, Lady Grange, on 29th August 1612, that Sir Andro Ker of Phairnyhirst, as principal, and James Hair in Torrischent, and Johnne Miller in Howden, as cautioners, remain unrelaxed from a horning of 2nd March last for not paying to pursuer 500 merks of principal and 200 merks of expenses; also that the said Sir Andro Ker and Sir Andro Ker of Oxinhame remain unrelaxed from a horning of same date for not fulfilling the conditions of the obligation

Fol. 256, b.

undertaken by them to Elizabeth Lyoun on 2nd January 1602, by seising the pursuer, as assignee, in the annualrent of 500 merks, and paying the

Caption against Sir Andrew Ker of Fernihirst and others for debt.

said annualrent owing since the aforesaid date, together with certain expenses specified in the said letter obligatory.—Pursuer appearing by Alexander Douglas, macer, and defenders not appearing, there is order against them as above. Decreta June 1612–Dec. 1613.

Caption against Robert Home, tutor of Crossrig.

Complaint by Patrik Home, natural brother of Sir George Home of Weddirburne, and by Helene Ramsay, his spouse, that Robert Home, tutor of Crocerig, remains unrelaxed from a horning of 12th August last for not "warranding" the acquittance given by him to pursuers on 11th November 1608, and registered in the books of Council and Session on 24th July last, for £17, 6s. 8d., being the "maillis" of his four "husband landis" in Eddirhame, with the pertinents, which were occupied by the pursuers during the terms of Whitsunday and Martinmas in both the years 1607 and 1608.—Pursuer appearing personally, and defender not appearing, the Lords give order against defender as above. Fol. 257, a.

Caption against Andrew Logan

Complaint by Johne Levingstoun of Eister Fawsyde, assignee constituted by Gilbert Mure, burgess of Lynlithgow, that Johnne Levingstoun of Prestoun, as principal, and Andro Logane of Pittarthie, as cautioner, remain unrelaxed from hornings of 18th May and 2nd June last for not paying to pursuer 800 merks of principal and 100 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and the defender Andro Logane not appearing, there is order against said Andro as above. Fol. 257, b.

Sir William Alexander of Menstrie and others, lessees of the silver mines of Hilderston, against James Ross of Tortrevin and others for wilful injury to the mining operations.

Complaint by Sir William Oliphant of Newtoun, knight, for the King's interest, and by Sir William Alexander of Menstrie, knight, Thomas Foullis, and Paull Pinto, "fermoraris" of the silver mines in Hilderstoun, as follows:—Pursuers having at very great expense "verie fer advanceit and set forwart the saidis workis," James Ross of Tortrevin, "upoun a malice consavit be him aganis the appeirand good succes," continually does what in him lies to impede their progress. By night he demolishes and undoes what has been done in the daytime. For example, on the night of 3rd September instant, defender, with many accomplices, came to "ane schaft of ane of the saidis mynes whiche wes in working upoun the lavell of the saidis mynes," and insolently filled up the said shaft full of stones and earth, "the redding agane quhairof held thair workemen the haill day thairefter bussyed and exercised." Again, upon the night of 5th September, the defender and his accomplices refilled the shaft with earth and stones, which were removed at trouble and expense by the pursuers. Moreover, on 7th September, about 10 A.M., the said James Ros, accompanied by Robert Clerk in Tortrevin, Johnne Walker there, Johnne Scot there, James Thomesoun there, George Gilleis there, William Baillie there, Thomas Aikin in Wairdlaw, James Craufurd of Eister Tortrevin, and Johnne Stane, with others, "armed with swordis, langstaulffis," etc., came to the said shaft, where the pursuer's workmen were busy, and, having by menaces forced the workmen to stop their labour, refilled the same with stones and earth. At another time the said James Ross and his accomplices took away from the works "ane Fol. 258, a. Fol. 258, b.

Decreta June 1612–Dec. 1613.

grite tow," worth £20, which they still keep.—The King's Advocate, Sir William Alexander, and Thomas Foullis appearing personally, and the said James Ross, James Craufurd, and Johnne Stane also appearing, but the other defenders not being present, the Lords find that the said James Ross has done wrong, and order him to desist from this conduct in the future, and further ordain that, when pursuers break ground in time coming, they offer satisfaction to the owners of the ground for "ony hurte, prejudice, or inconvenient that thay may incur throu that occasioun."

Fol. 259, a.

David Touch against the bailies of Kirkcaldy for fining him exorbitantly.

Complaint by David Touche, burgess of Kirkaldy, as follows:—Pursuer, having lately bought 'ane barkis laidning of peis fra ane Inglische man in the raid of Kirkaldy," and having sold a part of the same in the town of Dysert, and the rest in Kirkaldy, was apprehended by the bailies of Kirkaldy, who had taken offence at him for buying the victual. He was detained in the tolbooth till he got an order from the Lords for his exhibition before the Council. When defenders were bringing pursuer to Edinburgh, they "forgadderit upoun the schore of Leyth with some of his Majesteis customaris, who took up materis betuix thame, and movit the said complenair to come in the saidis bailleis will for buying of the said victuall, upoun promeis and conditioun maid be thame that the declaratioun of thair will sould be verie favourable and moderat." Notwithstanding this promise, defenders have fined him £200, "for payment quhairof he is verie hardlie straitit and put at"; and they have most wrongously arrested the whole of the sums of money due by him within the burgh. By act of Parliament £40 is the proper amount to be paid by the offender, one half to go to the King and the other half to the party. Yet, for obedience, pursuer has found cautioun for payment of the aforesaid fine.—Pursuer appearing personally, and David Hucheoun and Alexander Boiswell, bailies of the burgh, also appearing, and having produced the decree whereby they sentenced the pursuer, the Lords suspend the said decree, and order pursuer to pay £40 as full satisfaction for his offence.

ol. 259, b.

Thomas Alie.

Thomas Alie, burgess of Jedburgh, appeared this day "for obedience and satisfactioun of the act quhairby he become obleist to that effect," and protested that he had satisfied the same.—The Lords admitted the protest.

Act in favour of William Hutson, prisoner in Edinburgh Tolbooth.

Petition by William Hutesoun, warder in the Tolbooth of Edinburgh, as follows:—Petitioner has been detained in ward in the Tolbooth for three months past, at the instance of Johnne Wood and Johnne Miller in Kelso, for not finding caution for their indemnity. Petitioner is not able to get caution, as he has neither lands nor rents to relieve his

l. 260, a.

cautioners; "quhairupoun he is willing to gif his aith, as also for the saidis personis thair indempnite." Petitioner craves his liberty.—Pursuer appearing personally, and the said Johnne Wood and Johnne Miller, who were duly warned, not appearing, the Lords give order to the Provost and Bailies of Edinburgh to liberate petitioner, and further order

that the defenders "sould be harmeles and skaithles of him," under the penalty of 300 merks. Decreta June 1612-Dec. 1613.

Edinburgh, 15th September 1613, *Post meridiem.*

Sederunt—Chancellor; Secretary; Clerk of Register; Advocate. Acta Oct. 1612-Nov. 1614.

Further enumeration of persons in Perthshire fined for reset of the Clan Gregor, with specification of the amount of the fine in each case.

"Forsamekle as the ressettis and supplie whiche the infamous thevis and lymmairis of the Clangregour hes had in divers pairtis of the cuntrey being the cheif and principall caus whiche—[*preamble continued as in former similar Acts, at* p. 51, p. 101, p. 119, and p. 143]. According quhairunto the commissionaris within the schirefdome of Perth in the courtis of tryall haldin be thame within the tolbuith of the burgh of Perth upoun the twelft, threttene, fourtene, fyftene, and sextene dayis of Marche, the yeir of God j^{m}vj^{c} and twelf yeiris [*preamble continued as in former similar Acts*]. And thairfore the saidis Lordis hes decernit, adjudgeit and fynit Fol. 69, a. the personis particularlie undirwrittin, and everie one of thame, in the soumes of money following, viz.:—Johnne Dow M^{c}Phadrik More in Bordling, in the soume of ten pundis; Malcolme M^{c}Neill in Ballincraig, in the soume of fyftie merkis; Malcome M^{c}Quene in Drumnacarrie, in the soume of fyftie pundis; Donald M^{c}Phadrik Beg, thair, in the soume of fyftie pundis; Isack M^{c}Quorqle, thair, in the soume of fyftie merkis; Thomas Cleroche, thair, in the soume of ane hundreth pundis; Alexander M^{c}Ildreist, thair, in the soume of ane hundreth merkis; Duncane M^{c}Ildreist, thair, in the soume of twenty pundis; Robert Reach, cordinair, thair, in the soume of twa hundreth merkis; Neill M^{c}William Stewart, thair, in the soume of ane hundreth merkis; Johnne Stewart, his sone, in the soume of twa hundreth merkis; Duncane Gow, thair, in the soume of twa hundreth pundis; Johnne M^{c}Ilglegane in , in the soume of twenty pundis; James M^{c}Oneill M^{c}William, in the soume of fyftie merkis; Donald Leich, in the soume of twenty pundis; Duncane Leich, in the soume of fyftie merkis; James M^{c}Gibbone, brouster, in the soume of fyftie merkis: Alexander Menzeis, sumtyme M^{c}Gregour, in the soume of ane hundreth merkis; Donald Menzeis, brouster, in Doule, in the soume of ten merkis; James Menzeis in Drumdevan, in the soume of fyftie pundis; Johnne Dow Menzeis in Tulborie, in the soume of fyftie merkis; Duncane Menzeis, maltman, in the soume of ane hundreth pundis; Johnne Menzeis in Togarniche, in the soume of fyftie merkis; Duncane M^{c}Colvayne, in the soume of fyftie merkis; Alexander M^{c}William Menzeis, in the soume of ane hundreth merkis; Finla M^{c}Ilvie, in the soume of twenty pundis; William M^{c}Glagane, in the soume of twenty merkis; Johnne Dow Thomassone, in the soume of fyftie merkis; Robert M^{c}Ilcreist, in the soume of ten merkis; Johnne Dow M^{c}Kynla, in the soume of ten merkis; Duncane M^{c}James V^{c}Angus in Auchleish, in the sonme of fyftie merkis; Patrik Robertsone in Blairfettie, in the soume of twa hundreth and fyftie merkis; Allaster M^{c}Androu Tosiche, in the soume of ane hundreth merkis; Johnne M^{c}Oneill V^{c}Johnne V^{c}Allaster in Tulliche, in the soume of ane hundreth merkis; Allaster Robertsoun in Fol. 68, b.

Acta June 1612–Dec. 1613. Fol. 69, b.

Auchinrey, in the soume of fyve hundreth merkis; Duncane Robertsoun, thair, in the soume of ane hundreth pundis; Allaster Robertsoun in Kendrochat, in the soume of fyftie pundis; Mathew M^{c}Ewne, in Temper, in the soume of twenty pundis; Johnne Stewart, sone to George Stewart in Drumcastell, in the soume of ten merkis; Allaster M^{c}Ewne V^{c}Chroyme in Aulich in Ranniche, in the soume of fyftie merkis; William M^{c}Coneill V^{c}Angus in Pittivene, in the soume of twa hundreth merkis; Duncane Dow M^{c}Williame, thair, in the soume of twenty pundis, Allaster M^{c}Robert M^{c}Allaster in Uruardbeg, in the soume of ane thousand merkis; Allaster M^{c}Virich in Kirktoun of Blair, in the soume of fyftie merkis; James M^{c}Quhaillie in Craigdarg, in the soume of fyftie pundis; Johnne Dow M^{c}Gillichallum, his sone, in Auchyoule, in the soume of fyftie pundis; Johnne M^{c}George M^{c}Intosche in Balernet, in the soume of thrie hundreth merkis; Johnne Campbell in the Maynis of Falscalyie, in the soume of ffoure hundreth merkis; Duncane Garrow in Dalchorres, in the soume of fyftie merkis; Johnne Dow M^{c}Conich in the barony of Glenlyoun, in the soume of twenty pundis; Finla M^{c}Kermed, thair, in the soume of twenty pundis; Fergus M^{c}Kynla, thair, in the soume of fyftie merkis; Johnne M^{c}Inlay Uig, thair, in the soume of fyftie merkis; Johnne M^{c}Inreoch, thair, in the soume of fyftie merkis; Duncane Campbell, thair, in the soume of fyftie merkis; Donald M^{c}Ildoniche, thair, in the soume of fyftie pundis; Duncane M^{c}Errocher, thair, in the soume of twenty pundis; Johnne M^{c}Intailyeour Roro, thair, in the soume of twenty merkis, Johnne M^{c}Nie, thair, in the soume of fyftie merkis; Finla M^{c}Mertyne, thair, in the soume of ten merkis; Duncane M^{c}Doneill, thair, in the soume of fyftie merkis; Johnne Dow M^{c}Coneill, thair, in the soume of ten pundis; Johnne M^{c}Voriche, thair, in the soume of ten pundis; Finla Bayne M^{c}Conochie V^{c}Kynla, in the soume of ane hundreth merkis; Finla Dow M^{c}Kermeid, in the soume of ffyftie merkis; Patrik Campbell, thair, in the soume of ane hundreth merkis; Patrik M^{c}Ilreoch, thair, in the soume of ten merkis; Gillicrist M^{c}Ilcreist, thair, in the soume of twenty merkis; Johnne Dow M^{c}Ildoniche, thair, in the soume of fyftie pundis; Donald Beg M^{c}Ilchreist, thair, in the soume of fyftie pundis; Malcome M^{c}Voriche, in the soume of fyftie merkis; Muldoniche M^{c}Conochie, thair, in the soume of ten merkis; Andro M^{c}Andro, thair, in the soume of fyftie merkis; Donald M^{c}Coneill Aird, in the soume of twenty pundis; Duncane M^{c}Kynla Roy, in the soume of fyftie merkis; Johnne M^{c}Gillichallum, maltman, in the soume of ten merkis; Duncane M^{c}Ilchois, in the soume of ten merkis; Robert Menzies, in the soume of ten merkis; Duncane M^{c}Inteir Beg, in the soume of ten merkis; Muldoniche M^{c}Ilcreist, in the soume of fyftie merkis; Donald M^{c}Mertine, in the soume of fyftie merkis; Duncane M^{c}Kermeid, in the soume of ten merkis; Duncane M^{c}Kynla V^{c}Ewne, in the soume of twenty merkis; Robert Beg, in the soume of ten pundis; Muldoniche M^{c}Eane Reoch, in the soume of twenty merkis; Johnne Dow M^{c}Viriche, in the soume of ten merkis; Duncane M^{c}Gillespik, in the soume of ten pundis;

Fol. 70, a.

Patrik M^c^Ilcreist in Tullimolene, in the soume of ane hundreth pundis; Donald M^c^Cleriche, thair, in the soume of ane hundreth pundis; Donald M^c^Ewne in Bordlend, in the soume of twenty pundis; Johnne M^c^Gillespik, thair, in the soume of twenty pundis; William M^c^Porter, thair, in the soume of twenty pundis; Johnne Dow M^c^Ean Noyer, thair, in the soume of fyftie merkis; Donald M^c^Key, thair, in the soume of twenty pundis; Gillichreist M^c^Kay, thair, in the soume of twenty pundis; Patrik M^c^Kinlay Menzeis, in the soume of fyftie merkis; Johnne M^c^Ilcreist, elder, in the soume of fyftie merkis; Johnne Dow M^c^Ilvane, in the soume of fyftie merkis; Robert M^c^Gibbone in Apnadow, in the soume of twenty pundis; Johnne Menzeis in Wester Comere, in the soume of ane hundreth pundis; Allaster Scott in Kilmorich, in the soume of thrie hundreth merkis; Dowgall M^c^Carres, tennent to the laird of Weyme, in the soume of fyftie merkis; Johnne M^c^Ilcreist, younger, in the soume of fyftie pundis; Malcome Down in Killichassen, in the soume of ane hundreth merkis; Johnne M^c^Thomas Creiff in Chapeltoun, undir Sir James Stewart, in the soume of fyve hundreth merkis; Patrik M^c^Nair in Darquhallich, in the soume of ane hundreth merkis; Duncane M^c^Cartur, thair, in the soume of fyftie merkis; George Stewart of Clokvoldich, in the soume of twa hundreth merkis; Johnne M^c^Kay V^c^Gillespik, in the soume of ane hundreth merkis; James Robertsoun upoun the west syde of Tymmell, in the soume of fyve hundreth pundis; Donald Miller in Drumfernet, in the soume of fyftie merkis; Adam Fergusone, thair, in the soume of ane hundreth merkis; Patrik M^c^Ewne, in the soume of fyftie pundis; Alexander M^c^Ewne in Cammoch, in the soume of fyftie pundis; Alexander Over, *alias* Robertsone, thair, in the soume of fyftie pundis; Robert M^c^Conochie More, in the soume of fyftie merkis; Johnne M^c^Conochie Nair, in the soume of fourty merkis; Johnne Dow Vallentyne, in the soume of fyftie merkis; Donald M^c^Coneill V^c^Andro, in the soume of twenty pundis; Johnne Stewart, baillie in Athoill, in the soume of twa thousand pundis; James M^c^Duff, younger, of Fandowy, in the soume of fyve hundreth merkis; Neill Stewart of Innerchynachan, in the soume of four hundreth pundis; Allaster Fergusone in Ballivullane, in the soume of twa hundreth merkis; Johnne Scot, bruther to Alexander Scott of Moylen, in the soume of fyftie merkis; Robert Moresoun, in the soume of fyftie pundis; Johnne Moresoune, his sone, in the soume of fyftie pundis; Thomas Tailyeour, in the soume of fourtie pundis; Donald Fergusoun in Indendour, in the soume of ane hundreth pundis; Johnne Fergusoun of the Hauch, in the soume of fyftie pundis; Thomas Fergusone of Ballieyukan, in the soume of fyve hundreth merkis; Adam Fergusoun of Ballichandie, in the soume of thrie hundreth merkis; Robert M^c^Allaster V^c^Ean Voir, in the soume of threttie pundis; Johne Oig M^c^Coneill, in the soume of twenty pundis; Donald M^c^Coneill Oig, in the soume of fourtie merkis; Donald M^c^Caw Voyr, in the soume of fyftie merkis; Johnne Stewart, sone to William Stewart of Tullimat, in

Acta Oct. 1612–Nov. 1614.

Fol. 70, b.

Acta Oct. 1612–Nov. 1614.

the soume of twa hundreth pundis; Donald Oig M^cConeill, younger, in the soume of fourty pundis; Robert S[t]ewairt in Tullimat, in the soume of four hundreth merkis; James Fergusoun of Inche, in the soume of fyftie merkis; Robert Douglas in Tullimat, in the soume of twenty pundis; Waltir Stewart in Dewlie, in the soume of fyftie merkis; Robert M^cCollie in Bofalie, in the soume of twa hundreth merkis; Neill Stewart in Tombrak, in the soume of fyftie pundis; Callum Dow in Pitteneill, in the soume of fyftie pundis; Johnne Dow M^cWilliame in Bofalie, in the soume of fyftie merkis; William Gaw, in the soume of twenty pundis; Maleis M^cColleyis, in the soume of twenty pundis; William M^cConeill V^cAndro, in the soume of twenty pundis; Johnne Dow M^cNaroy, in the soume of twenty pundis; Donald M^cEwne Oig in Tullochcrosk, in the soume of ten pundis; Dowgall M^cEwne in Innerchadan, in the soume of ten pundis; Angus M^cIlcreist in Lix, in the soume of fyftie pundis; Johnne Dow M^cMertene, thair, in the soume of twenty merkis; Johnne Tarlasone, in the soume of ane hundreth merkis; Johnne M^cKinlay in Ardvulvoir, in the soume of twa hundreth merkis; Donald M^cNeill in Strabrane, in the soume of ane hundreth merkis; Patrik Muldonich, in the soume of ane hundreth merkis; Donald Muldonich, in the soume of thrie hundreth merkis; Patrik Bredach, in the soume of ane hundreth merkis; Johnne M^cPatrik Vean, in the soume of ane hundreth merkis; Johnne Gromoch M^cDuf, in the soume of ane hundreth merkis; Duncane M^cDuff, in the soume of thrie hundreth merkis; James Naismeth of Inver, in the soume of twa hundreth merkis; Allaster M^cDuff in Tullibeltan, in the soume of twenty pundis; James Dow, in the soume of fyftie merkis; David M^cDuff, Barone of Fandowy, in the soume of ane hundreth pundis; Adam Gordoun in Glencoich, in the soume of ten merkis; Johnne Dow Oig M^cEverie in Glendochart, in the soume of fyve hundreth merkis; Johnne Dow Moir, thair, his father, in the soume of five hundreth merkis; Allaster M^cGillivoir in Bra of Foss, in the soume of twenty pundis; Patrik Stewart of Straloch, in the soume of ane

Fol. 71, a.

thousand merkis; Chairlis Flemeing, thair, in the soume of ane hundreth merkis; Duncane M^cLagane in Bofrak, in the soume of ane hundreth merkis; Donald M^cLagan, thair, in the soume of ane hundreth pundis; Allaster Stewairt, thair, in the soume of ane hundreth merkis; Williame Henrysoun, thair, in the soume of fyftie merkis; Allaster Stewart M^cWilliam M^cNeill in Straloch, in the soume of fyve hundreth merkis; Waltir Rattray in Bordland, in the soume of twa hundreth merkis; Allaster M^cIntailyeour in Glenbrerochan, in the soume of ane hundreth pundis; Johne Montcrieff in Derdahervie, in the soume of fyve hundreth merkis; Johnne Keir Robertsone in Auchnachyle, in the soume of fyve hundreth merkis; Finla Couper in Balnakeill, in the soume of twenty pundis; Johnne Kaird in Baledinan, in the soume of twenty pundis; Patrik, Barone of Craignesh, in the soume of twenty pundis; Allaster Stewart in Pittimoss, in the soume of fyftie merkis; Allaster M^cAllaster in Fanvik, in the soume of ane hundreth merkis; Johnne Robertsoun of

Straloch, *alias* Baroun Reid, in the soume of twa thousand merkis; Johnne M^cCoull M^cEane V^cChattan V^cIntosche, in the soume of fyftie merkis; Donald M^cInnes V^cEglaschrich in Foss, in the soume of fourty pundis; Johnne Riache M^cIlglaschrich, his brother, in the soume of fyftie merkis; Alexander Flemyng of Mones, in the some of ane thousand pundis; Johnne Stewart of Dalguis, in the soume of ffyve hundreth merkis; George Stewart, thair, in the soume of ane hundreth pundis; Muldonich Phegour, in the soume of ten merkis; David M^cDuff, younger, *alias* Barroun, in the soume of ane hundreth merkis; Allaster M^cDuff, his bruther, in the soume of fyftie merkis; David Craig at the house of Garth, in the soume of fyftie pundis; Callum M^cOr in Rannach, in the soume of fyftie merkis; Johnne M^cInnair in Straid, in the soume of fyftie merkis; Johnne M^cKerlich in Finlarg, in the soume of thrie hundreth merkis; Allaster M^cEanroy in Graniche, in the soume of ane thowsand merkis; Duncane M^cEan Voir in Pitnacrie, in the soume of ane thowsand merkis; Donald Doir in , under the laird of Weyme, in the soume of aucht hundreth merkis; William Stewart in Duntallich, in the soume of twelf hundreth merkis; and Johnne Miller in Dewley, in the soume of thrie hundreth merkis [*concluding charge for payment of the fines as in former Acts*]." Acta Oct. 1612–Nov. 1614.

Commission for the trial of George Douglas for cattle-stealing.

Commission under the Signet, signed by the Chancellor, Argyle, Marschell, Glencarne, Louthiane, Glasgow, Blantyre, Roxburgh, A. Elphinstoun, and W. Cranstoun, to William Dowglas of , Sheriff of Roxburgh, to try George Dowglas in Caveris, apprehended by him "for the thifteous stealing, concealing, and awaytaking" an ox belonging to the said Sheriff, upoun the 15th or 18th August last, and also for the stealing of 2 ky from William Young in , on July last. Commissions. Fol. 172, a.

Edinburgh, 15th September 1613, *ante meridiem.*

Laird of Mackintosh.

"A missive letter frome his Majestie to the Counsell anent M^cKintoshe." Sederunts. Fol. 81, b.

Earl of Angus and Ker of Fernihirst.

"Ane missive frome his Majestie to the Counsell anent the differenceis betuix the Erll of Angus and Pharnihirst."

Same.

"Missives from the Counsaill to the Erll of Angus and Pharnihirst anent the mater foirsaid."

Allaster MacAllaster and another.

"Ane missive frome his Majestie to the Counsell anent Allaster M^cAllaster and Duncane V^cEanduy."

Duncan V^cEanduy.

"A missive frome the Counsell to the Erll of Enyee for exhibitioun of Duncane V^cEanduy."

Allaster MacAllaster.

"Chargeis aganis the Laird of Grant, his wyfe, and bruther, for delyverie of Allaster M^cAllaster."

Poisoning of the Laird of Dun.

"Ane missive frome his Majestie to the Counsell anent the examinatioun of the personis suspect guiltie of the poisoning of the Laird of Dyn."

The same.

"Ane missive from the Counsell to the Erll of Mar anent this same purpois."

John Cranston.

"Ane missive frome his Majestie to the Counsell anent Johnne Cranstoun."

Sederunts.

"Ane signatour past in favour of Sir William Alexander anent the fyneing of silver." Sir William Alexander.

Fol. 82, a.

Williame Hutsoun, warder in the Tolbooth of Edinburgh (*ante*, p. 147), who could find no cautioners, promises not to molest John Wode and Johnne Miller under the pain of 400 merks—one half to go to his Majesty, the other to the aggrieved parties. "And forder he gaif his grite and solemne oathe that he sall keepe this act inviolat in ony poynte, under the pane of perjurie, infamie, and tinsall of credite and estimatioun in tyme comeing." 15th September 1613, *post meridiem*. Obligation by William Hutson.

Commissions.
Fol. 170, b.

The Lords, understanding that there is trouble in the town of Hawick between Hob Scot in the Maynes and Waltir Scott, his son, on the one part, and William Scot of Chalmerlane Newtoun, Johne Scott, his uncle, Walter Scott, son of the late David Scot in Chalmerlane Newtoun, James Scott, "callit of Quhitehauch," and Johne Gray in Hawik, on the other part, in which the said Hob Scott has been wounded without hope of recovery, grant commission to Walter, Lord Scott of Bugcleugh, to see that the peace is observed, and to apprehend the said Walter Scott, son of the said Hob, William Scott, Johne Scott, Walter Scot, son of the late David Scot, James Scott, and Johne Gray, and to detain them till they be tried by the Justice, or else to exhibit them for trial before the Justice in the Tolbooth of Edinburgh. Signed by Sir [T.] Hammyltoun and Oliphant. 20th September 1613. Commission to the Lord of Buccleuch for preservation of the peace at Hawick, and the apprehension of Walter Scott and others charged with riot there.

Fol. 171, a.

Commission under the Signet, signed by Sir T. Hammiltoun and Sir W. Oliphant, to Jonas Hammiltoun of Quotquote, and Mark Hammiltoun, his brother, to apprehend and bring to justice Johne Diksoun in , suspected of theft, resset and "pykrie." 27th September 1613. Commission for the arrest of John Dickson.

Acta Oct. 1612–Nov. 1614.
Fol. 71, b.

Sederunt—Chancellor; Ergyle; Roxburgh; Justice Clerk; Clerk of Register; Advocate; Sir Alexander Drummond; Sir Johne Arnote. Edinburgh, 6th October 1613.

"The Lordis of Secrite Counsale ordanis and commandis Sir William Oliphant of Newtoun, his Majesteis Advocat, to libell ane summondis aganis Dame Douglas, sumtyme Countesse of Bothwell, for production before the Lordis of Sessioun of the protectioun grantit be his Majestie to hir, to heir and sie the same recallit and declairit null, for the reasonis and causis specifeit and contenit in his Majesteis letter direct to the saidis Lordis, and upoun suche reasonis as the said Lord Advocat can divise." Instruction to the Lord Advocate to take proceedings for annulling the protection granted to the sometime Countess of Bothwell.

Decreta June 1612–Dec. 1613.
Fol. 260, a.

[Sederunt as recorded above.] Edinburgh, 6th October 1613.

Complaint by Johnne Boiswell of Craigsyd that Paull Dog of Dunrobene remains unrelaxed from a horning of 15th September inst. for Caption against Paul Doig of Dunrobin.

not paying to pursuer 1000 merks of principal and 100 merks of expenses.—Pursuer appearing personally, and defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta June 1612–Dec. 1613.

Caption against Sir William M°Clellan and others.

Complaint by Waltir Stewart, brother-german of the laird of Cragy-hall, that Sir William M°Clellane of Auchlane, knight, and Johnne Broun of Land, as principals, and Alexander Maxwell of Logane, William M°Clellane of Nethir Thrid, and Johnne M°Adam, burgess of Edinburgh, as cautioners, remain unrelaxed from hornings of 26th and 27th June and 1st July 1612 for not paying to pursuer 3000 merks.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, there is order against defenders as above. Fol. 260, b.

Henry Seyton against Alexander Brounfeild.

Complaint by Henry Seytoun, merchant, burgess of Edinburgh, that Alexander Brounfeild, younger, of Eistfeild, remains unrelaxed from a horning of 17th March last for not relieving pursuer, as cautioner, of payment of 500 merks of principal to Mr William Kellie, writer, or, in case of his death, to his son Thomas Kellie, together with £50 of expenses.—Pursuer appearing by George Tod, his procurator, and defender not appearing, there is order as above against defender. Fol. 261, a.

Caption against Robert Maxwell.

Complaint by William Rowane, son of William Rowane of Ballindane, that Robert Maxwell, brother of the laird of Teling, remains unrelaxed from a horning of 23rd June last for not removing from "the place and maynis of Gairdin."—The said William Ruthven of Bandane appearing for his son, and defender not appearing, the Lords give order against defender as above. Fol. 261, b.

Thomas Lamb against Gavin Mitchelson.

Complaint by Thomas Lamb, messenger, that Gawin Michelsoun, skinner, burgess of Edinburgh, as principal, and Gilbert Merschaill, merchant, burgess of Edinburgh, as cautioner, remain unrelaxed from a horning of 22nd July last for not paying pursuer £80 of principal and £20 of expenses.—Pursuer appearing personally, and defenders not appearing, the Lords give order against defenders as above. Fol. 262, a.

Caption against James Grahame and his son.

Complaint by Mr William Carnegy, brother-german of the late David Carnegy of Kynnaird, that James Grahame in Leuchland, and David Grahame, his son, remain unrelaxed from a horning of 3rd August last for not fulfilling the obligation made by them to pursuer on 13th June 1612, as registered in the books of Council on 14th July last, and especially for not paying to pursuer 500 merks, and also twelve chalders of victual for the "fermes" of the lands of Leuchland for 1612, and for not entering pursuer in the "reall and actuall possessioun" of the said lands, and not fulfilling the other conditions made in a letter of renunciation on 12th June 1612.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords give order against defenders as above. Fol. 262, b.

Rowan of Ballindane against the Laird of Cluny and others for assault.

Complaint by Williame Rowane of Ballindane, as follows:—Sir Robert Creichtoun of Cluny, who has a "causles" hatred of pursuer, having heard that he was in the place of Reidcastell on business, and that he Fol. 263, a.

Decreta June 1612-Dec. 1613. Fol. 263, a.

was to repair on 21st September instant to his own place at Courthill, lay in wait on the highway, with Patrik Wod, his servant, William Wood of Balblaine, Robert Creichtoun, his son, David Gairdyn, his servant, Henry Durhame, and Johnne Forbes, sometime servant to Sir Robert, "all weill horsit, and bodin and furnist with swerdis," &c.; and, as soon as they saw pursuer, who was mounted on a "litle naig," they "brak at him with all the speid thay micht"; and the said Patrik Wood, who was "best horsit," overtook pursuer, and fiercely assaulted him. Pursuer was wounded in the left side, but "for saulftie of his lyff dismontit the said Patrik of his horse, and laip upoun the same. Quhilk being persavit be the said Sir Robert and his complices, thay, with all the speid thay micht, chaissit, followit and persewit the said complenair, of purpois and intentioun to have slane him; quhilk thay had not faillit to haif done wer not be the providence of God he wan the place of Fernell."—Pursuer appearing personally (who "past fra" the suit against the said Robert Creichtoun, younger, who is also personally present), and the other defenders not appearing, the Lords find the charge of chasing pursuer to be proven, and order the other defenders, with the exception of Henry Durhame, to be charged to enter into ward within the Tolbooth of Edinburgh within six days, and there to remain at their own expense till further order be made. They assoilzie the said Henry Durhame.

Fol. 263, b. Fol. 264, a.

Complaint by Mr Petir Hewatt, Commendator of Croce Raguell, as follows:—The late Johnne Kennedy of Baltersane had taken away from the Abbey of Croceraguell the great bell, weighing stone. The said bell is now in the possession of Florence M°Dougall, his relict, and Allane, Lord Cathcairt, her spouse. Pursuer wishes to use the bell at the Kirk of Croceraguell or in any other way which he may think good; but defenders will not surrender the same.—Pursuer appearing by Thomas M°Caula, writer, and defenders not appearing, the Lords order defenders to deliver the bell to pursuer.

Mr Peter Hewatt against Florence M°Dougall and her spouse for recovery of a bell.

The Lords fix the 27th day of October instant for hearing the complaint of Henry Bonar, "indwellair" in Edinburgh, against Johnne M°Coull and Andro Purves, officers in Edinburgh, for striking pursuer and "reving" from him his sword and his purse containing £110 when they were taking him to the Tolbooth; and they further order all witnesses to appear before them on that date.

In the case of Henry Bonar against John M°Coull and Andrew Pur es.

Fol. 264, b.

The Lords assign the 27th day of October instant to Johnne M°Coull and Andro Purves, town officers of Edinburgh, for proving the following "exceptioun" in the action raised against them by Henry Bonar,—to wit, that they had received order from Archibald Adiesoun, bailie of Edinburgh, to apprehend the said Henry at the instance of Doctor M°Cairtnay, and to commit him to ward in the Tolbooth till he found caution, and that, while the said prisoner was being conducted to the Tolbooth, he escaped by the assistance of "freindis and weilwillaris."—The Lords order witnesses to be summoned for the above-named date.

In the same case.

Commission for the trial of John and William Scott for murder.

Commissions. Fol. 171, b.

Commission under the Signet to Walter, Lord Scott of Bugcleuch, to try Johnne Scott, uncle to William Scott of Chalmerlane Newtoun, and James Scott, "callit of Quhithauche," who have been apprehended by him in accordance with preceding commission, for the slaughter of the late Hob Scot (*ante*, p. 153). Signed by the Chancellor, Argyll, Roxburgh, Jo. Prestoun, Oliphant, A. Drummond.

Commission of the Peace for Fife and Kinross shires.

Fol. 172, b.

Commission of the Peace for the Sheriffdom of Fyiff and Kinros to Alexander, Earl of Dunfermelyne, Lord High Chancellor, George, Archbishop of Sanctandrois, the Lords of Secret Council and the Senators of the College of Justice, Williame, Earl of Mortoun, Robert, Lord Lindesay, David, Lord of Scone, James, Lord Colvill of Culros, Michall, Lord Balfour of Burley, the Archdeacon and Vice-Chancellor of the University of Sanctandrois, Boiswall of Balmuto, David Lindesay of Balcarres, Beatoun of Balfour, Sir David Carnegy of Kynnaird, Fol. 173, a. Arthour Forbes of Rires, Robert Durie of that ilk, William Sandilandis of Sanctmonans, Beatoun, elder, of Creich, Sir Andro Murray of Balvaird, Andro Wod of Largo, Sir Johnne Lermonth of Balcomie, Robert Colvill of Cleishe, William Moncreiff of that ilk, M^r^ William Scott of Elie, Hackett of Pitfirrane, Sir George Erskin, knight, James Weymes of Bogie, David Brown of Fynmouth, Cunninghame of Barnis, Sir David Lindesay of Mouth, Robert Arnot of Fairny, Aytoun of Dynmure, James Clerk of Balbirny, M^r^ James Aytoun of Ovir Grange, of Kincraig, Pitcarne of Forther, Patrik Pitcarne of Pitlour, of Kirktoun, Henry Wardlaw of Balmull, David Leslie of Ottirstoun, Shaw of Lathangzie, Johne Boswall of Pittedie, Patrik Stewart of Baith, and George Patersone of Over Dynmure. Signed by the Chancellor.

In the matter of the feud between the Earl of Angus and Sir Andrew Ker of Fernihirst.

Sederunts. Fol. 82, a.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Williame, Erll of Angus, and Andro Ker, younger, of Pharnihirst, for himself, and in name of Andro Ker, eldair, of Pharnihirst, his fader, whose absence the said Andro Ker, younger, excuisit be ressoun of his infirmitie and seiknes; quhilk he verifeit be productione of a missive letter frome the said Andro Ker, his fader, and be a testimoniall subscryvit be the minister of Jedburgh. And, the said Erll being demandit yf thair wes ony mater of difference and contestatioun betuix him and the said laird of Pharnihirst, he declairit that thair wes no mater of difference betuix thame, and that he stoode in goode termes of freindship with him for ony thing he knew. And, the said Andro Ker, younger, being lykewayes demandit yf thair wes ony mater of questioun or difference betuix the said Erll and his fader and himself, he declairit that thair wes mater of questioun betuix thame, the particularis quhairof he wald reserve to his faderis relatioun, being loathe to prejudge his fader by his rashnes or ignorance."

Countess of Bothwell.

Fol. 82, b.

"Ane missive frome his Majestie anent the protectioun grantit be his Majestie to the Countesse of Bothuill."

"Ane commissioun past to the schiref of Edinburgh, the Lord

Sederunts. Cranstoun, Sir William Seytoun, and the Lieutennent of the Gaird for the apprehensioun of Thomas Meggatt and utheris rebellis for the slaughter of Hereis." Thomas Meggatt and others.

"The Lordis appointis and assignis the xvj day of November nixtto-come to Alexander, Erll of Lynlythgow, and James Carmichaell of Pottieshaw, for exhibitioun of Patrik Aldochis sones. The said James, being personalie present, for him self and in name of the Erll, is warnit heirto *apud Acta.*" Sons of Patrick Aldoch.

Acta Oct. 1612-Nov. 1614. Fol. 71, b.

Sederunt — Chancellor; Roxburgh; Secretary; Privy Seal; Treasurer Depute; Clerk of Register; Advocate; Bruntiland; Medop. Edinburgh, 27th October 1613.

"Quhereas it hes pleasit the Kingis Majestie, upoun divers good respectis and considerationis conserning his Majesteis service and the estaite of this Kingdome, to honnour his richt trustie and weilbelovit Robert, Vicount of Rochester, with the place and dignitie of ane prevey counsalloure in this kingdome, and in his Majesteis awne presence hes causit the said Vicount of Rochester gif the oath of supremacie and the oath of a prevey counsallour, as ane note undir the hand of Sir Thomas Hammiltoun of Byris, knycht, his Majesteis Secretarie, beiring that the said Vicount of Rochester had gevin his oath in his Majesteis presence as said is, producit and exhibite this day before the Lordis of his Majesteis Prevey Counsall be his Majesteis Secretarie foirsaid, at lenth beiris: thairfore, the saidis Lordis of Secrite Counsaill, acknawledgeing with all dew respect and regaird his Majesteis gratious favour schawin to the said Vicount of Rochester, in preferring, honnouring, and advancing him to the place and dignitie of a prevey counsallour, thay have ressavit and admittit, and be the tennoure heirof ressavis and admittis, the said Vicount of Rochester to be one of the Prevey Counsaill of this kingdome, with all priveledgeis, honnouris, digniteis, and immuniteis belanging thairunto, als frelie in all respectis and conditionis as ony utheris of the nomber of the Prevey Counsaill possessis the said place. Act admitting Robert Ker, Viscount Rochester, as one of the Privy Council, in virtue of his Majesty's warrant to that effect, and of a certificate by Secretary Sir Thomas Hamilton that the said Viscount took the oath of supremacy and the oath of a Privy Councillor in his Majesty's own presence at Finchinburgh in England on the 18th of October preceding.

Fol. 72, a. "Followis the note undir the hand of his Majesteis Secretarie, quhairby the Lord of Rochester gaif his oath.—At Finchinburgh, the auchtene day of October j^{m}vj^{c} and threttene yeiris. Which day, his Majestie haveing called to his presence in his bedchalmer Robert, Vicount Rochester, Alexander, Bishop of Caithnes, Sir Gedeone Murray, knycht, his Majesteis Deputie Thesaurair of Scotland, and me, Sir Thomas Hammiltoun, his Majesteis Secretarie, undir subscryvand, his Majestie declaired that, upoun goode respectis concerning his service and the estaite of his said kingdome, it wes his royall pleasoure to honnour the said Vicount Rochester with the place and dignitie of ane prevey counsallour in that kingdome; for which effect his Majestie commandit him, in his awne presence, and in the presence of the counsallouris beforenamed, to gif

the oath of supremacie and the oath of a prevey counsallour; whiche the said Robert, Vicount Rochester, sitting upoun his kneyis, his hand tuitching the holie evangill, humelie performed, pronunceing distinctlie first the oath of supremacie and thairefter the oath of ane counsallour. Whereupoun his Majestie ordanit ane note and record to be maid in write be me, Sir Thomas Hammiltoun, his Heynes Secretair, to be exhibited, togidder with ane letter writtin be his Majestie for the same purpoise, to the Lordis of his Prevey Counsaill of Scotland, to the intent thay may caus mak and insert in the register of Secrite Counsaill ane act of the said Vicountis admissioun as ane of thair nombir. For obedience of whiche command, I, the said Sir Thomas Hammiltoun, have writtin and subscryved thir presentis with my hand. *Sic subscribitur*, Sir Thomas Hammiltoun. Acta Oct. 1612–Nov. 1614.

"Followis his Majesteis warrand for the Act abonewrittin.—Richt trustie and richt weil beloved cosen and counsallour, and richt trustie and weil beloved counsallouris, we greete you weill:—Haveing thocht it expedient for oure service that the Vicount Rochester sould be one of oure Prevey Counsaill of that oure kingdome, whose oath of alledgeance and of ane counsallour we our selffis have ressaved in presence of sa maney of oure Prevey Counsall of Scotland as wer that tyme at oure courte, and caused oure Secretarie mak ane record thairof: Thairfore it is our will and pleasoure that ye caus ane act of Secrite Counsaill be maid of the admissioun of the said Vicount Rochester as one of oure said Prevey Counsaill of that oure kingdome, and insert the same in the bookis thairof, geving him place and vote thairin at all tymes convenient, with all priveledgeis and immunities belonging thairto, als frelie as gif his oath and admissioun had bene maid in your presenceis. Whereanent these presentis, togidder with oure Secretairis note afoirsaid to be delivered to the clerk of oure Counsale, salbe unto you and him ane sufficient warrand. Whairin expecting that ye will sie this our pleasour redelie performed, we bid you hairtelie fairwele. From our Court at Finchinburgh the 18th of October 1613."[1] Fol. 72, b.

[1] Robert Ker, a younger son of Sir Thomas Ker of Fernihirst, and originally only a Scottish page in the King's English household, had been the King's chief favourite since 1607. Knighted by the King in that year, and made wealthy by the gift to him in 1609 of the great English manor of Sherborne, he had been created Viscount Rochester in March 1611,—the first Scotchman honoured with a seat in the English House of Lords; since which time, but more especially since the death of James's English prime-minister, Robert Cecil, Earl of Salisbury, in May 1612, he had been, Scotsman though he was, the most powerful man in the English Privy Council, all-influential even in English political affairs. The year 1613 had already been an eventful one in the life of this Robert Carr (for so the English spelt his disliked Scottish name), Viscount Rochester. Early in the year there had been begun that suit by the Countess of Essex for a divorce from her husband, Robert Devereux, 3rd Earl of Essex, on the plea of the nullity of their marriage, which was to enable her to marry Rochester, already for some time notoriously her lover. The King had been obliging his favourite by doing all he could to favour the suit; to which there was much opposition at Court, and even among some of Rochester's friends, on the ground that his marriage with Lady Essex would identify him, mischievously for the public interests and for his own, with the Spanish or pro-Catholic faction in English politics, then led by Lady Essex's relatives, the Howards of the lordly houses of Suffolk

Decreta June 1612–Dec. 1613.

[Sederunt as recorded above.]

Edinburgh, 27th October 1613.

Fol. 264, b.

Caption against Johnston of Howgill and his sons.

Complaint by Waltir Scott of Tuschelaw that Johnne Johnnstoun of Howgill, and Williame, Johnne, Robert, and Gilbert Johnnstoun, his sons, remain unrelaxed from a horning of 6th September last (*ante*, p. 140), for not appearing to answer the charge of going to pursuer's lands of Moscarswell, and assaulting his servant the late Grahame, and also of destroying pursuer's houses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, there is order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Fol. 265, a.

Mr William Kellie against John Laurie

Complaint by Mr William Kellie, writer to the Signet, that Johnne Lawrie, merchant, burgess of Edinburgh, as principal, and James Ker and Robert Goddie, merchants, burgesses of Edinburgh, as cautioners, remain unrelaxed from a horning of 11th July 1612 for not paying to pursuer 1000 merks of principal and 100 merks of expenses.—Pursuer appearing by Mr Robert Wynrahame, his procurator, and defenders not appearing, there is order against them as above.

and Northampton. Sir Thomas Overbury, a young courtier of considerable literary reputation, and Rochester's close confidant in the matter of his intrigue with Lady Essex, had been particularly active in trying to dissuade him from carrying the affair to the point of actual marriage with such a person, and had thus incurred the deadly enmity of Lady Essex; and, in order to get rid of Overbury's opposition, the King had first offered him a foreign embassy, and had then, on his refusal of the offer, committed him to the Tower. There, on the 15th September 1613, after an imprisonment of about five months, Overbury had died; ten days after which—*i.e.* on the 25th of September 1613—Lady Essex's divorce suit came to a successful termination, and she and Rochester were free to marry. That was exactly a month before the present registration of the admission of Rochester to be of the Scottish Privy Council. His marriage with Lady Essex was then in near prospect; and this admission of him to be one of the Scottish Privy Council was one of several fresh honours conferred on him in anticipation of that event. Only six days after our present date, *i.e.* on the 3rd of November 1613, he ceased, in fact, to be merely Viscount Rochester, and became, by the King's creation, Earl of Somerset; by which higher title, accordingly, he would have taken his place in the Scottish Privy Council if he had come to Scotland the next week after his registered admission into the body. But why, the scene of his activity and interests lying so decidedly in England, had it been thought worth while to make him a Scottish Privy Councellor at all? Incidental references to him already in the pages of our last volume (Introduction, p. xi and p. 739) will have furnished something of an answer to this question; but it may now be made more distinct. As it was since the death of the Earl of Salisbury in May 1612 that Rochester's influence in English politics had become visibly paramount, so one may date the beginnings of his paramount influence in Scottish politics from the prior death of the great Earl of Dunbar in January 1611. After the death of that Scottish statesman, it was the hand of Ker, Viscount Rochester, that people in Scotland recognised as directing the King in all Scottish official appointments and promotions,—the more by token that his relatives, the Scottish Kers and their connexions, came in for more than their share of whatever good was going. All this had been seen while as yet Rochester had no Scottish official place or rank himself. That, however, was coming. If the great office of the Scottish High Treasurership had not been filled up after the death of the Earl of Dunbar, but its duties had been parcelled out among commissioners, was it not because the succession to Dunbar in that great office, and so to copartnership in the Scottish official supremacy with Chancellor Dunfermline, had been reserved for Rochester? The time had now come. Rochester's admission to the Scottish Privy Council was but a preparatory step to his appointment to the vacant High Treasurership; and a few pages hence we shall have to record that crowning appointment.

Caption against Livingston of Little Fawside.

Complaint by James Stirling, servitor to Archibald, Earl of Ergyle, that Johnne Levingstoun of Litle Fawsyde remains unrelaxed from hornings of 18th September last and 4th October instant for not delivering to pursuer an obligation granted on 22nd November 1611 to defender by the said Earl, and certain persons as his cautioners, for the sum of 1000 merks of principal and 200 merks of expenses, and also for not paying to pursuer 200 merks of principal and 40 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order against defender as above. Decreta June 1612–Dec. 1613. Fol. 265, b.

Variance between George Graham and Robert Buchanan.

Complaint by Sir William Oliphant of Newtoun, knight, King's Advocate, that some "variance and contraversie" has "laitlie fallin out" between George Grahame, brother of the Earl of Menteith, and Robert Buchannane of Lany, and that "thair ar cartallis and challangeis of combat past betuix thame."—Pursuer appearing personally, and the said Robert Buquhannane also appearing personally, the Lords order the said George Grahame to be denounced rebel for not appearing. Fol. 266, a.

Caption against Abercombie of that Ilk.

Complaint by Mungo M°Call, burgess of Edinburgh, that Thomas Abircrombie of that Ilk remains unrelaxed from a horning of 1st July last for not paying to pursuer 3000 merks of principal and 300 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against the Laird of Spott.

Complaint by Marie Aldinstoun, relict of Johnne Clavie, his Majesty's "ypothingair," and Mr Patrik Levingstoun, fear of Saltcoittis, now her spouse, that Sir James Douglas of Spott, knight, remains unrelaxed from a horning of 9th September last for not paying to pursuers 900 merks of principal and 300 merks of expenses.—Pursuers appearing by Archibald Douglas, macer, and defender not appearing, there is order against defender as above. Fol. 266, b.

Sir George Hay against the Lord Sinclair for interfering with the carriage of iron ore.

Complaint by the King's Advocate, and Sir George Hay, knight, as follows:—The said Sir George has by royal warrant "interprisit the practize of irne" within this kingdom, and at great expense and trouble has so succeeded that there is as good iron made by him "as ony that is brocht frome beyond sea." Pursuer had searched for ore to supply his works, and had discovered some "on the schoir and coast syde of Fyff besyde Dysart, and utheris pairtis thairabout, far within the flood and sea mark." He had appointed workmen to "wyn" and vessels to transport the said ore; but Patrik, Lord Sincler, has stopped the workmen, and has discharged William Thislo, skipper, and other masters and owners of vessels, from transport of the said ore. Pursuer's works are by this conduct of Lord Sincler thrown idle.—The King's Advocate appearing personally, and Sir George Hay appearing by William Hay, his procurator, and defender not appearing, the Lords find that defender has done wrong, and order him to desist from further staying of pursuer's workmen and skippers. Fol. 267, a. Fol. 267, b.

Decreta June 1612–Dec. 1613.

The provost and bailies of Montrose and others against David Panton for assault and violence.

Complaint by the King's Advocate, and by William Ramsay, provost, William M^cEane and James Williamsoun, bailies, of Montrois, Johnne Wyse, "wobster" there, , spouse of Gilbert Crystie,

Fol. 268, a.

burgess, and Elspeth Ferquhair, "indwellair" in the said burgh, as follows:—In June last David Pantoun of Newmanswallis, armed with sword, "gantillat," &c., came "be way of hamesuckin" to the said Johnne Wyse's house in the burgh, and, entering violently, sought him in all parts of the house, and "with his drawne swerd stoggit his haill beddis, of purpois and intentioun to have slane him, incaice he had bene within his awne house at that tyme." On Sunday 3rd October instant, the said David, armed as before and with "ane bend pistollet," meeting the said Johnne Wyse at the "nob of Kinnabir," as he "wes repairing furth the hie way in sober and quiet maner, naiked and without ony airmour," made a fierce attack upon him, and would have slain him but for the help of some "good people present." On 6th October instant, while the said Jonnet Huttoun and Elspeth Ferquhair, and some servant women of the burgh, were washing clothes at that part of the loch of Montrois which belongs heritably to the burgh, the defender "schamefullie and unhonnestlie strak and dang the saidis wemen upoun diverse pairtis of thair bodyis, chaissit thame away fra the said lochsyde," and afterwards "unseamelie brak thair haill tubis and uther veschellis quhairin thay wer wascheing thair clothis." On the night of the 6th of October, defender, with some accomplices, destroyed the great dyke which fenced the common wells, and filled up the wells with earth

Fol. 268, b.

and stones "full to the head."—The King's Advocate, and William Ramsay, provost, appearing for pursuers, and the said David Pantoun being likewise present, the Lords assoilzie defender from the various charges of assault, because defender has denied them on oath, but fine him £40 for carrying a pistolet illegally, which he admitted he had done, and order him to find caution for £500 not to wear hagbuts or pistolets in the future, and to remain in the Tolbooth of Edinburgh till he pay the fine and find the caution foresaid.

Case of Henry Bonar against John M^cCoull and Andrew Purves.

Fol. 269, a.

Complaint by Henry Bonair against Johne M^cCoull and Andro Purves, for assault on 23rd August, and illegal imprisonment [see *ante*, p. 155].—Pursuer appearing personally, and defenders being likewise present, and it having been admitted that pursuer's sword was taken from him when he was committed to the Tolbooth, "conforme to the ordour observit within burgh," the Lords find that pursuer was lawfully apprehended, and therefore assoilzie defenders from the charges of illegal apprehension, assault "by dinging of him on the heid," and theft of his purse with its contents. They find the "exceptioun" of defenders [*ante*, p. 155] relevant, and that pursuer had been rescued by his friends, who had cast defenders to the ground. Bailie Adiesoun had, however, issued a second warrant, and defenders had rearrested pursuer. Defenders are to deliver up the sword to pursuer.

Commissions. Fol. 173, b.

Commission under the Signet, signed by the Chancellor, Sir T.

Commissions.

Commission for the trial of David Mar for sheep-stealing.

Hammiltoun, R. Cokburne, and Alexander Hay, is given to Sir James Douglas of Spot, knight, sheriff of Haddingtoun, and Mr James Cokburne, burgess of Haddingtoun, his depute, to try David Mar in Spott, now in custody for stealing some sheep from the said Sir James Douglas.

Commission for the trial of two Macgregors.

Commission under the Signet, signed by the Chancellor, T. Hammiltoun, R. Cokburne, Alexander Hay, and A. Drummond, to Donald Gorme of Slaitt, to try Allaster Spagathe McGregour, and McGregour, his brother, notorious thieves, murderers, fire-raisers, and oppressors, now in custody of the said Donald. Fol. 174, a.

Commission of the Peace for Roxburghshire.

Commission of the Peace for Roxburgh to the Chancellor, Johnne, Archbishop of Glasgow, the Lords of Privy Council and the Senators of the College of Justice, Robert, Lord of Roxburgh, Waltir, Lord Scot of Bugcleuch, William, Lord Cranstoun, Sir Johne Ker of Hirsale, knight, Sir Ker of K , knight, James Douglas of Cavers, sheriff of Roxburgh, Ker of Lyntoun, Douglas of Bonejedburgh, Riddell of that Ilk, , now of that Ilk, Sir George Ramsay of Wyliecleuch, Thomas Ker of Cavers, and James Gledstanes of Coklaw.—Signed by the Chancellor. [The above is re-entered on fol. 176, a, of *Book of Commissions.*] Fol. 175, a.

Commission of the Peace for Annandale.

Commission of the Peace for the Stewarty of Annandirdaill to the Chancellor, the Archbishop of Glasgow, the Lords of Privy Council and the Senators of the College of Justice, James Murray of Cokpule, Johne Carrutheris of Holmendis, Robert Johnnstoun of Racleuch, tutor of Johnstoun, James Johnnestoun of Thornik, Edward Johnstoun, provost of Annand, and Mr Waltir Quhytfurde, parson of Moffett.—Signed by the Chancellor. Fol. 176, a.

Sederunts. Fol. 82, b.

Allan MacEanduy.

"Ane missive frome his Majestie anent Allane McEanduy, and ane missive frome the Counsell to the Marques of Huntlie accordinglie."

Clangregor Landlords.

"Ane missive frome his Majestie anent the landislordis of the Clangregour; and letteris accordingly direct aganis thame."

Sheriffships.

"Ane missive frome his Majestie anent the renewing of the commissionis of schirefship of Hadingtoun, Edinburgh, Lynlythqw, and Dunbartane; and directionis gevin accordinglie."

Ditto.

"Ane missive frome his Majestie anent the renewing of the commissionis for the Peace within Roxburgh; and directionis gevin accordinglie."

Cunyie House and King's Castles.

"Ane missive frome his Majestie anent a sett to be maid of the cunyeehous; and ane uther missive anent the reparatioun of his Majesteis castellis,—quhilkis bothe missives were delyverit to the Thesaurair Depute." Fol. 83, a.

Captain Wood.

"Ane missive frome his Majestie anent Capitane Wode, and the said capitane dimittit accordinglie."

Tutor of Kintail and other Mackenzies.

"Ane missive frome his Majestie anent the continewatioun grantit to the Tutour of Kintaill, Mr Johnne and Rory McKanyees, for payment of thair fynes; and directioun gevin accordinglie that no new continewatioun salbe grantit."

Sederunts. Fol. 83, a.

"Tua missives frome the Counsell, one to the Archiebischop of St. Androis, one uther to the Archiebischop of Glasgow, to be heir upoun Mononday nixt." The two Archbishops.

"Ane missive frome the Counsell to the Magistratis of Striviling for keeping of Peter Davidsoun quhill the Counsell send some of the Gaird for him." Peter Davidson.

"Sir George Ramsay of Wyliecleugh, Thomas Ker of Cavers, and James Gledstanes of Coklaw, ordanit to be adjoinit to the Commissioun for the Peace within the schirefdome of Roxburgh." New Justices for Roxburghshire.

[Their names appear in the Commission given above.]

The *Minute Book of Processes* gives the following memoranda collectively for the month of October 1613 :— Minute Book.

Rebellion: Mongo M^{c}Call against Thomas Abercromby.
Oppression: James Jameson against M^{r} James Wood.
Oppression: M^{r} James Wood against Mr. Alexander and Patrik Woodis.
Rebellion: Walter Scott against Johne Jonstoun.
Precognition against George Graham and Robert Buchanan.
Oppression: Sir George Hay against the Lord Sinclar.
Rebellion: James Stirling against Johne Livingstoun.
Rebellion: Johne Clavie against Sir James Douglas.
Diligence: Johne M^{c}Coull against Hendry Bonar.
Rebellion: M^{r} William Kellie against Johne Lourie.
Imprisonment: Thomas Dick against William Ker.
Ryott: Magistratis of Montros against Alexander Gardner.
Rebellion: William Carnegie against James Graham.
Letteris: M^{r} Peter Ewatt, minister, against Lord Cathcart for delyverie of a bell belonging to Corcraguell.
Ryott; William Rowan against Sir Robert Crichtoun.
Rebellion: Walter Stewart against Sir Robert M^{c}Clellan.
Rebellion: William Rowan against Robert Maxwell.
Rebellion: Thomas Lamb against Gavin Mitchelson.
Rebellion: Johne Boswall against Paul Dog.
Rebellion: Hendry Seatoun against Alexander Bruntfeild.
Warrand to the Advocat to forme a lybell against the Countess of Bothuell.
Letteris: Georg Borthwik to be putt to liberty, who wes warded for the alleged slaughter of Abram Hereis.
Letteris: Sir Johne Bruce against Johne Alexander.
Letteris: M^{r} Walter Whytfoord against James Douglas for putting of George Moffatt to liberty.

Sederunts. Fol. 83, a.

Sederunt—Chancellor; Glasgu; President; Secretary; Privy Seal; Treasurer Depute; Clerk of Register; Advocate; Kilsyth; Medop. Edinburgh, 2nd November 1613.

Copper Coin, &c.

"Ane missive frome his Majestie anent iij^{c} stane weght of copper coyne; ane uther missive frome his Majestie anent his Majesteis movablis; bothe thir missives delyverit to the Thesaurair." Sederunts. Fol. 83, a.

Laird of Gelston.

"The Laird of Bombie exhibite the Laird of Gelstoun, who is committit to the Tolbuithe."

Stercovius.

"Chargeis aganis the burrowis anent Stercovius."

3rd November 1613.

Commission for the Middle Shires to Lord Cranston, Sir Gideon Murray, William Seyton, and Sir Andrew Ker.

Commission is given under the Great Seal to Lord Cranstoun, Sir Gedeone Murray of Elibank, knight, Treasurer Depute, Sir Williame Seityune of Keilismure, knight, and Sir Andro Ker of Oxnem, knight, or any two of them, to exercise full powers of justiciary in the Middle Shires. Each commissioner is to have the annual salary of £500, payable in equal portions at Whitsunday and Martinmas. Given at Whitehall on 3d November 1613. *Sic subscribitur:* Chancellor, Roxburgh, Johnne Prestoun, Sir T. Hammiltoun. Borders, 1603-1643. Fol. 40, b.

Edinburgh, 4th November 1613.

Sederunt—Chancellor; President; Secretary; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Medop; Kilsyth. Acta Oct. 1612-Nov. 1614. Fol. 72, b.

Registration of band by Patrick Ogilvy of Inchmartine, Peter Hay of Megginch, and William Kynman of Hill, for the Earl of Errol during the time of his licence to reside in the north.

Registration by M^{r} Alexander King, advocate, as procurator "for the personis principall and cautionairis undersubscryvand," of the following band:—"Be it kend till all men be thir present letteris, we, Patrik Ogilby of Inchemertyne, Petir Hay of Meginche, and Williame Kynman of Hill, forsamekle as it hes pleasit the Lordis of Secrite Counsaill upoun some speciall considerationis to gif libertie and licence to Frances, Erll of Errole, to resorte and repair to the schirefdomes of Abirdene and Banff, and to remane thair some certane space, as in the licence grantit to him thairupoun at lenth is contenit [*ante*, p. 134], thairfore to be bundin and obliest, and be the tennour heirof bindis and obleisis us, and oure airis, as cautionaris and souirteis, conjunctlie and severalie, for the said Franceis, Erll of Erroll, that the said Erll, betwix the day and dait heirof and the fyftene day of Marche nixttocum, sall entir his persone in waird within the place of Erroll within the schirefdome of Perth, and that he sall remane and keep waird in his said place and within the space of twelf myllis about the same, and that he sall onnawyse transcend the saidis boundis quhill he be fred and relevit be the Kingis Majestie; as alsua that the said Erll sall compeir personalie before the Lordis of his Majesteis Prevey Counsale sa oft as he salbe lauchfullie chairgit to that effect, upoun twenty dayis wairning; and that he sall anes everie oulk at least, being in good helth, repair to the preiching and sermonis; that he sall admitt and heir conference for his forder instructioun; that he shall not resset, intercommoun, nor keipe in his house ony priest, Jesuite, or excommunicat papist; that he sall committ the education of his childrene to nane bot these of the religioun presentlie profest and be the law establischit within this kingdom; that all his future childrene salbe bapteist be nane utheris bot be the ministeris and teachairis of the Fol. 73, a.

Acta Oct. 1612–Nov. 1614.

trew faith presentlie profest within this kingdome, and that nane bot these quho ar sound of religioun salbe keipit in houshold with him; and, last, that during the tyme of his remaneing and abyding in the north he sall behave him self dewtifullie without geveing mater of offence and scandaill to the Kirk: undir the pane of twenty thousand merkis, incaise he be failyie in ony pointe of the premisis." The said Earl becomes bound at the same time to relieve his said cautioners in the premisses. "In witnes quhairof we have subscryvit thir presentis with oure handis as followis, at Erroll, the secund day of November, the yeir of God j^{m}vj^{c} and xiij yeiris, befoir thir witnessis: Petir Hay of Leyis, Alexander Home, Alexander Davidsone, and Archibald Huttoun, all servitouris to the said noble Erll. *Sic subscribitur:* Erroll, Patrik Ogilby of Inchmertyne, P. Hay of Meginche, W. Kynmand of Hill; Alexander Hume, witnes; Petir Hay of Leyse, witnes; Alexander Davidsone, witnes; Archibald Huttoun, witnes."

Decreta June 1612–Dec. 1613. Fol. 270, a.

[Sederunt as recorded above.]

Edinburgh, 4th November 1613.

Complaint by William Mader of Langtoun, Anna Ainslie, daughter of the late James Ainslie, burgess of Jedburgh, and James Ainslie, merchant, burgess of Edinburgh, her tutor, against James Porteous in Langtoun, for an alleged "breking up of the said William Maderis house duris, and intending to have violentlie ravischit the said Anna Ainslie furth thairof."—Pursuers not appearing, and the defender appearing, the Lords admit the protest of defender that he "sould not be haldin to answer furder to the saidis lettiris, nor that nothing sould be proceidit aganis him be virtew thairof quhill he wer wairnit of new be utheris lettiris."

Protest in favour of James Porteous, charged with abduction.

Sederunts. Fol. 83, b.

"Chargeis aganis the huntaris in Cheviott."

Cheviot.

Sederunts. Fol. 83, b.

Sederunt—Chancellor; President; Secretary; Treasurer Depute; Advocate.

Edinburgh, 6th November 1613.

"The Lordis of Secreit Counsaill, in respect of some unreverent and undeutifull speecheis past this day in thair presence betuix Robert, Lord of Roxburgh, on the ane pairt, and Williame Creichtoun of Ryhill, on the uther pairt, ordanis thame to addresse thame selffis to thair ludgeingis, and thair to remane and keepe warde quhill thay be fred be the saidis Lordis."

Lord Roxburgh and Crichton of Ryehill.

"The quhilk day Robert, Lord of Roxburgh, gaif his grite and solemne oathe in presence of the Lordis of Secreit Counsaill that he, for him selff and takand the binding on him for all whome he may stop or latt, sall observe our Soverane Lordis peace, keepe goode reule and quietnes with Williame Creichtoun of Ryhill, and that he sall direct nor send no challange nor cartall to him, nor accept, answer, nor ressave no challange nor cartall frome him. Lyke as Williame Douglas, appeirand of Drumlangrig, become actit and oblist as cautionair and souertie for

Same business.

the said Lord of Roxburgh that he sall observe this present act inviolat in ony point, under the pane of xx^{m} pundis. And the said Lord oblist him and his airis to warrand and releve his said cautionair." Sederunts. Fol. 83, b.

Same. A like undertaking on the part of the Laird of Ryhill—M^{r} Alexander Levingstoun, advocate, standing as cautioner for 10,000 merks.

Edinburgh, 8th November 1613.

Sederunt—Chancellor; President; Secretary; Treasurer Depute; Advocate. Fol. 84, a.

Reconciliation between Lord Roxburgh and Crichton of Ryehill.

"The Lordis of Secreit Counsaill, in respect of the present reconsiliatioun and agreement past betuix Robert, Lord of Roxburgh, on the ane pairt, and Williame Creichtoun of Hill, on the uther parte, dischargeis that pairt of the act quhairby thay fand cautioun for keeping of his Majesteis peace ather of thame with utheris, and ordanis the uther pairt of the said act tuitcheing the promeis and oathe maid be thame for not directing nor ressaveing ony challange nor cartall the one frome the uther to stand and have force in tyme comeing conforme to the tennour thairof."

Edinburgh, 9th November 1613.

Sederunt—Chancellor; Lotheane; Roxburgh; Bishop of Caithnes; President; Secretary; Privy Seal; Treasurer Depute; Clerk of Register, Advocate; Medop; [Kilsyth.] Decreta June 1612–Dec. 1613. Fol. 270, a.

The Bishop of Caithness against John Caddell of Midvie, for recovery from him of John and Isobel Forbes, who have been in his charge for their education.

Complaint by Alexander, Bishop of Caithnes, tutor to Johnne Forbes of Ardmurdo, his brother's son, and Issobell Forbes, his sister, as follows:—The said Johnne and Issobell have been for some time under the care of Johne Caddell of Midvie in Cromair, "who the said bischop thocht sould have had a cair of thair educatioun in virtew and learning." Defender has been "verie cairles of thame in that poynte, and hes nowthir broght thame up in virtew and lettiris, nor in na kynd of civilitie," purposing, it would seem, "by thair ignorance, rudeness, and incivilitie," to make his unlawful advantage of the "small portioun of rent and leveing" left by their father, the bishop's brother. The bishop, who is bound by conscience and duty to look after the interests of the children, has asked defender to deliver them up, that he might make good the neglect. Defender has not only refused, but intends soon to "caus thame chuse curatouris be his nominatioun and advise"; and so he will be able to "joyne thame unequallie in mariage," and to dispose of their lands and goods at his will.—Pursuer appearing personally, and defender also appearing personally and exhibiting the said children, the Lords, with consent of both parties, order the said Issobell Forbes to remain with the said Johne Caddell, her father-in-law, till she make choice of her curators; after which she shall be a free person; and further the Lords order the said Johnne Forbes to be committed to the charge of M^{r} Gawne Douglas, brother of the Laird of Glenbervie, till he make choice of his curators. As the said M^{r} Gawin Douglas is not Fol. 270, a.

Decreta June 1612–Dec. 1613.

present, the said Johnne Forbes is placed under the care of Johnne Logane of Coitfeild, who is present, and promises to send the said Johnne to M^r Gawin Douglas before Yule next.

Fol. 271, a.

Act in favour of David Kennedy of Kirkhill in the matter of certain weekly and quarterly markets held on his property: change of the market days from Sundays to week days.

Petition by David Kennedy of Kirkhill, as follows:—Petitioner has all and whole the town and lands of Kirkhill, with pertinents, of which the town and clachan of Calmounell is a part, together with the right of a weekly market "keipit everie Sabboth day" within his said part, and also four free fairs or "great mercat dayis keipit within the said clauchane on the Sabboth day quarterlie." Petitioner and his predecessors "past memorie" have enjoyed these lands and rights, which are "ane generall benefite to his Majesteis haill leigeis and subjectis dwelling in the haill cuntrey about the same, thair being no borrowstoun upoun na syde thairof within twelff myllis to the same at narrest; and the said clauchane is seatit and standis in suche ane commoun and ordiner way to all passingeris hanting in the west cuntrey as without the quilk clauchane thair can be no interteynment gottin in the cuntrey

Fol. 271, b.

thairabout." The clachan depends on the market days, and the town could not well subsist without them. The session of the kirk of Calmounell and the brethren of the exercise of Carrik had, however, thought that the holding of these markets "tendit to the prophanatioun of the Lordis Sabboth and gaif verie grite occasioun of scandaill," and that they should be changed to some other day of the week, "as the said David sall think expedient."—Petitioner therefore craves consent of the Lords to an alteration of the day. The Lords appoint Saturday for holding the said weekly markets, and Monday for the said four great markets, and direct proclamation of the same to be duly made.

Sederunts. Fol. 84, a.

"Ane letter to his Majestie in favouris of Capitane Wode." Captain Wood.

"Ane letter to his Majestie in favouris of certane mercheantis, who sustenit shipwrak at Birlingtoun." Shipwrecked Merchants.

"Ane letter to the President and Counsell of Yorke lykewayes in thair favouris." Same business.

"Ane letter to the Justiceis of Peace, and utheris Magistratis in Yorkshyre and upoun the coast aboute Birlingtoun, for the same mater." Same.

Decreta June 1612–Dec. 1613. Fol. 271, b.

Sederunt—Chancellor; Bishop of Caithnes; Roxburgh; Cranstoun; Master of Elphinstoun; President; Secretary; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland. Edinburgh, 11th November 1613.

Fol. 272, a.

Menzies of Pitfoddells against Forbes of Monymusk.

Complaint by Gilbert Menzeis of Pitfoddellis, that, on 2nd August last, William Forbes, elder, of Monymusk, Johnne, Robert, and M^r James Forbes, his sons, Johnne Forbes *alias* Burgranis, Chairlis Pantoun, Freman, James Geillis, and Johnne Ferquhair, domestic servants to the laird of Monymusk, and George Rait in Coff, with others to the number of sixty persons, all armed with swords, halberts "bandit staulffis," &c., came to pursuer's lands of Blakhill of Fandone, and cut down all

the corn growing on the same, extending to four bolls of oats.—Pursuer appearing, who "past fra the persute" of Robert Forbes and Johnne Forbes *alias* Burnegrange, and the laird of Monymusk also appearing, the Lords remit the matter to the Lords of Council and Session. Decreta June 1612-Dec. 1613. Fol. 272, a.

Middle Shires. "The commissionis for the Middle Shyris renewit and subscryvit." Sederunts. Fol. 84, a.

12th November 1613.

Commission of the Peace for Perthshire and the Stewartry of Menteith and Strath-earn.

Commission of the Peace for the Sheriffdom of Perth and Stewartries of Monteith and Stratherne, to the Chancellor, George, Archbishop of Sanctandrois, the Lords of Privy Council and the Senators of the College of Justice, Alexander, Bishop of Dunkeld, Johne, Earl of Montrois, James, Earl of Murray, James, Earl of Perth, Johnne, Earl of Tullibairdin, William, Master of Tullibairdin, Patrik, Lord Gray, Alexander, Lord Elphingstoun, David, Lord of Scone, James, Lord of Madertie, Sir Duncane Campbell of Glenurquhie, James Haliburtoun of Pitcur, Ogilbie of Inchemartyne, Sir Archibald Stirling of Keir, William Moncreiff of that Ilk, James Campbell of Laweris, Blair of Bathyok, Hay, "baillie Arroll," George Auchinleck of Balmanno, George Grahame of Inchebrakie, Halden of Glenegeis, Murray of Strowane, Sir George Hay, knight, Sir George Bruce of Carnok, Sir Mungo Murray of Drumcarne, Mushett of that Ilk, Sir Johne Prestoun of Valeyfeild, Robert Bruce of Blairhall, Petir Hay of Kirkland, Sir Johne Moncreiff of , Harie Drumond of Balloch, Patrik Home of Argatie, Johnne Grahame of Balgowne, Mr William Murray of Auchtertyre, Thomas Drumond of Coquhoilyee, Drumond of Bordland, Sir William Stewart, knight, Jacob Edmestoun of Newtoun, Laurence Merser of Meklelour, Patrik Butter of Gormok, George Campbell of Croonane, Patrik Campbell of Kethyk, Alexander Menzeis of that Ilk, Sir James Stewart of Ballachane, Johne Robertsoun of Straloche, Johne Stewart of Gran[i]che, Alexander Robertsoun of Inchemagraniche, Sir Andro Rollok of Duncrub, Henry Stirling of Ardo, Sir William Grahame of Braco, Oliphant of Forgoundeny, Robert Grahame of Gartmore Buchannane of Lany, Silvester Rattray of Craighall, George Ramsay of Banff, Johne Ramsay of Jordanstoun, Mr Johne Lindesy of Killoch, Johnne Erskin of Balgonie, and Johne Gaw of Maw.—Signed by the Chancellor. Commissions. Fol. 173, a. Fol. 173, b.

Edinburgh, 16th November 1613.

Sederunt—Chancellor; Bishop of Glasgow; Ergyle; Bishop of Caithnes; Scone; Roxburgh; Kildrymmene; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop. Decreta June 1612-Dec. 1613. Fol. 272, a.

Caption against Somerville of Plane and another.

Complaint by Robert Gyb, burgess of Lynlithgow, that Alexander Sommervell, fear of Plane, and Robert Levingstoun of Wester Greneyardis, cautioners for David Levingstoun, apparent of Dynniepeace, remain unrelaxed from a horning of 14th August last for not paying to pursuer 500 merks of principal and £60 of expenses.—Pursuer

Decreta June 1612-Dec. 1613.

appearing personally, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Sederunts. Fol. 84, b.

"The Lord Levinstoun tooke the xx day of Januair for exhibitioun of Patrik Aldochis bairnis." (See p. 157.) Patrick Aldoch's sons.

"Ane warrand to the Justice anent James of Hierusaleme, Johnne Logane, and Mr. Robert Phillop." Three Romanists.

"Ane warrand delyverit to James Dalyell, baillie, for banissing Mr. Johnne Boyle furthe of the burgh of Edinburgh." Mr. John Boyle.

Acta Oct. 1612-Nov. 1614. Fol. 73, b.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Bishop of Caithnes; Ergyle; Mar; Lotheane; Roxburgh; Cranstoun; Kildrymme; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Sir Johnne Arnote. Edinburgh, 18th November 1613.

"Forsamekle as Frances, Erll of Erroll, , Erll of Sutherland, and Dame Gordoun, Countesse of Sutherland, mother to the said Erll, persisting obstinatlie in thair erronious opinioun of papistrie, doeth by thair remaning at libertie not onlie gif grite occasioun of scandaill to the best affected, bot grite encouragement to that viperous generatioun of Jesuitis and seminarie preistis to flock togiddir towardis this kingdome, and to seduce his Majesteis good subjectis to mak schipwraik of religioun, and to alienat thair hairtis frome his Majesteis obedience; and to the effect the saidis Erllis and Countesse may haif the oportunitie of daylie conference with qualifeit and learned personis for thair bettir instructioun and informatioun in suche particulair headis of thair religioun quhairof thay stand in doubt: the Lordis of Secreite Counsale ordanis letteris to be direct chargeing the saidis Erllis of Erroll and Suthirland to addresse thame selffis to the said citie of Sanctandrois, and the said Countesse of Sutherland to addresse hir self to the burgh of Invernes, betwix and the tent day of Januair nixttocum, and that thay remane and abyd within the placeis foirsaidis appointit and designit unto thame, and that thay onnawyse exceid the boundis of four myllis distant frome the same, without his Majesteis licence had and obtenit to that effect, undir the pane of rebellioun, and puting of thame to the horne; and, gif thay failyie and entir not in the placeis of thair aboade foirsaid the day foirsaid being bypast, and being enterit gif thay transcend the boundis and limitis appointit unto thame, to denunce thame rebellis, and put thame to the horne, and to eschete, &c." Here follows his Majesty's warrant for the Act. It is dated 24th October 1613; and the wording is substantially that of the Act itself.[1] Act, by his Majesty's warrant, denouncing the Earls of Errol and Sutherland, and the Countess-Dowager of Sutherland, for their obstinate perseverance in "papistrie," and ordering the two Earls to sequester themselves in the city of St Andrews, and the Countess-Dowager to sequester herself in Inverness, before the 10th of January next.

Fol. 74, b.

[1] This Act of severity against three Scottish Roman Catholics of high rank, coming so soon after acts of grace to one of them (*ante*, p. 134, p. 154), is symptomatic of some reason of public policy for an increase, or apparent increase, of Protestant stringency by the Government about this particular time. See *ante* p. 125 and footnote. The action of the King in this matter, and consequently of the Privy Council, was spasmodic,

[Sederunt as recorded above.]

Decreta June 1612–Dec. 1613. Fol. 273, a.

Edinburgh, 18th November 1613.

To denounce Patrick Hunter, Thomas Ramsay, and Andrew McBaith, charged with usury.

Complaint by the King's Advocate that Patrik Hunter of Over Carnebie, Thomas Ramsay, goldsmith, burgess of Perth, and Andro McBaith, "cordinair" there, who were convicted before the Council on 29th June last for taking more "annuelrent and proffeit for the money gevin out be thame nor ten for the hundreth," are liable to the penalties named by Act of Parliament, viz. the confiscation of their moveable goods, and to be "utherwise punist in thair personis as ockeraris." The said persons had been summoned accordingly to appear this day and receive sentence.—Pursuer appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels.

Commissions. Fol. 174, a.

Commission for the trial of William Young for sheep-stealing.

Commission under the Signet, signed by the Chancellor, Sanctandrois, Glasgow, and R. Cockburne, to George Auchinleck, Sheriff Depute of Berwick, to try William Young, "wobster" in Clarebald, lately apprehended by the Justices of Peace of Berwick for stealing two sheep and killing them in his own house in Clarebald.

Sederunts. Fol. 84, b.

The Erskine poisoning case.

"Commissioun to the President, Justice Clerk, Advocate, Sir Williame Hairt, to examine Erskin, uncle to the Laird of Dyn, anent his poisoning."

Clan Gregor.

"Decreit aganis the landislordis of the Clangregour anent the continewatioun."

Edinburgh, 23rd November 1613.

Decreta June 1612–Dec. 1613. Fol. 273, a.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Hammiltoun; Ergyle; Mar; Glencarne; Lotheane; Bishop of Caithnes; Roxburgh; Kildrymmie; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Burntiland; Sir Johne Arnote.

Caption against Walter Ker for debt.

Complaint by David Forrest, servitor to Alexander, Earl of Dunfermlyne, Lord Fyvie and Urquhart, Chancellor, that Waltir Ker in Dirletoun remains unrelaxed from a horning of 28th September last for not paying to pursuer £5 for each "cheritit" boll of 164 bolls 2 firlots 2 pecks "rynnand mett" of oats, and £4, 10s. for each "cheritit" boll of 39 bolls 2 firlots of peas ("defalkand the said cheriteis thairof" and £613, 11s. 8d. paid by defender to pursuer as part payment), together with 4 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Sir Andro Ker of Oxinhame.

Sederunts. Fol. 84, b.

"The quhilk day Sir Andro Ker of Oxenhame wes admittit in Counsell". [See *Acta* under 25th November 1613.]

The Sheriff of Dumbarton.

Fol. 85, a.

"The quhilk day in presence of the Lordis of Secreit Counsall compeirit personalie Johnne Levingstoun of Bandorane and become actit and oblist as cautionair and suirtie for Sir Buchquhannane of the Ilk, schiref of Dunbartane, that he sall remane within the burgh of Edinburgh and not remove nor pas furthe thairof quhill he mak his Exchekquer comptis, and quhill he mak payment of his pairt of the present taxatioun

Sederunts. Fol. 85, a.

restand awand be him as Schireff of Dunbartane, under the pane of fyve thousand merkis"

"The Lordis ordanis the Landislordis of the Clangregour to convene the morne in the Laich Counsalhous of Edinburgh, and thair to mak a catalogue and roll of the haill bairnis of the Clangregour presentlie in handis, making speciall mentioun of thair rankis, aige, qualiteis, and whose sones thay ar, and in whose keeping thay presentlie remane, and to reporte the roll upoun Thurisday to the Counsell, with thair opinioun what forder is to be done anent the service of the Clangregour committit to the truste of the Erll of Ergyll." Children of the Clan Gregor.

"Chargeis aganis Sir Johnne Ker for assumeing the style of ane Lord". Sir John Ker.

"Commissioun to M^r James Kirk for trying of the ressettaris of the Clan Gregour within Ergyle and Tarbete." Clan Gregor.

Acta Oct. 1612–Nov. 1614. Fol. 74, a.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Hammiltoun; Ergyle; Mar; Glencarne; Bishop of Caithnes; Roxburgh; Cranstoun; Kildrymmie; President; Secretary; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop, Sir Andro Ker; Sir Johnne Arnote. Edinburgh 25th November 1613.

"The quhilk day the Lordis of Secrite Counsale, according to ane speciall warrand and directioun in write signed be the Kingis Majestie, and presentit this day unto thame, ressavit and admittit Sir Andro Kare of Oxinhame, knycht, to be one of the nomber of his Majesteis Prevey Counsaill of this kingdome; lyke as, the said Sir Robert Ker acknowledgeing with all dew reverence and most humble thankis the Kingis Majesteis most gratious favour schawin unto him in prefering of him to this place of dignitie and honnour, he humelie, upoun his kneis, his hand lyand upoun the holie evangill, maid and gaif his solemne oath of alledgeance, and the oath of a privey counsallour, conforme to the ordour."—Then follows his Majesty's warrant for the Act. It is dated "frome our court at Royston, the 27th of October 1613," and corresponds in wording with the Act itself, save that it orders the admission of Sir Robert to the office of councillor, "to bruike and enjoy the same for his lyftyme." Sir Andrew Ker of Oxenhame admitted of the Privy Council.[1]

Fol. 74, b.

"The quhilk day, in presence of the Lordis of Secrite Counsaill, compeirit personalie David, Erll of Craufurd, and actit, band and obleist him to warrand and releve Sir Harie Lindsay of Kinfawnes, knycht, of that cautionarie quhairin the said Sir Harie standis actit for him in the buikis of Secrite Counsaill for the observatioun of his Majesteis peace, and for his personall compeirance before the saidis Lordis quhanevir he salbe lauchfullie callit, and of the haill pointis, clausis, headis, articlis, and conditionis of that cautionarie, and of all pane, skaith, danger and expensis that he salhappin to sustene thairthrou. And, for the said Sir Harie his farder releif of that cautionarie, the said Erll did morgage unto Band by David, Earl of Crawford, for the relief of his cautioner Sir Harry Lindsay of Kinfauns, with mortgage and assignation to Sir Harry for that purpose of the Earl's lands and heritage.

[1] See p. 170.

him his landis and heritage, and maid him assignay to all reversionis and bakbandis maid be the said Sir Harie to him upoun ony pairt or portioun of the said Erll his landis and leving, insofer as the same assignatioun may be valide and effectuall to the said Sir Harie, for his releif allanerlie, and no forder. *Sic subscribitur:* David, Erll of Crawfurd." Acta Oct. 1612–Nov. 1614.

Commission for the examination, under torture if necessary, of Robert Erskine, uncle of the Laird of Dun, charged with the crime of having poisoned two of his nephews.

"The Lordis of Secrite Counsale gevis and grantis pouer and commissioun to Sir Alexander Hay, knycht, Clerk of Register, Sir Johnne Cokburne of Ormestoun, knycht, Justice Clerk, Sir William Oliphant of Newtoun, his Majesteis Advocat, and Sir Williame Hairt, to examine Robert Erskene, uncle to the laird of Dyn, upoun the poysoning and causing of poysoun to be gevin to his tua nephewis, bretheryne of the house of Dyn, and to confront him with suche utheris as hes deponit in this mater, and, as thay sall find ony probabilitie, likliehood, or appeirance of his guiltynes, or ony circumstanceis or evidenceis aganis him, or ony contrarietie in his depositionis, that thay caus put him to the tortour. Whairanent the extract of thir presentis salbe unto thame a warrand."[1]

[Sederunt as recorded above.]

Decreta June 1612–Dec. 1613. Fol. 274, a.

Edinburgh, 25th November 1613.

Forbes of Monymusk against Menzies of Pitfoddels.

Complaint by the King's Advocate and William Forbes of Monymusk, as follows:—Gilbert Menzeis of Pitfoddlis and Irwing, his spous,

[1] This entry appertains to a case of great celebrity in the Criminal Annals of Scotland. It is the subject of two articles in Pitcairn's *Criminal Trials* (III., 260-264, and 267-269). The facts are these:—By descent from the good Erskine of Dun, who had died in 1592, full of years and honours, and was still remembered as having been so conspicuous a man in the Scottish Reformation movement, the friend of Knox, and for a time Superintendent of Angus and Mearns, the Lairdship or Barony of Dun, in Forfarshire, had come to a David Erskine. This Laird of Dun, having married a daughter of Maule of Panmure, left at his death two boys, John and Alexander, under their mother's charge and that of a tutor-testamentary till the elder of the two should be of age to assume the lairdship. He had also left, however, a living brother, Robert Erskine, and three living sisters, Helen, Isobel, and Annas; and it had occurred to this uncle and these aunts of the two boys that, if the two boys could be put out of the way, the lairdship would be the uncle's, and the aunts would benefit by the arrangement. The four had put their heads together for the purpose, with the result that, after some ineffcient consultation with a scoundrel named David Blewhouse, who dealt theoretically in witchcraft and poison, and then more efficient consultation with a practical witch named Janet Irving, they were able to present to the two boys, in their mother's house in Montrose, a sufficient quantity of ale or other drink in which poisonous herbs had been steeped. The poison had not taken immediate effect; but the elder of the two boys, after some time of lingering and suffering, "his skin turning all black," had died about Whitsunday 1613, with these words, it was said, on his lips,—"Wo is me that I evir hed richt of succession to ony landis or living, for gif I had bene borne sum pure cottier's son I had nocht bene sae demeanit!"—and the younger, though still alive at the date of our present entry, was not expected to recover. It had been impossible to hush the matter up, occurring though it did in a family of such venerable respectability; and the villainous uncle was now in custody. Whether they put him to the torture in his examination, as the present Act permitted, does not seem to be known; but on the very next day, 1st December 1613, having been found guilty, on his own confession, of the crimes of witchcraft and treasonable murder, he was sentenced to be beheaded at the market-cross of Edinburgh; and on the same day the sentence was executed. The trial of his three sisters did not come on till the following June. They were sentenced to the same punishment; but there was a reprieve ultimately for Helen, as the most penitent, and she was banished for life.

Decreta June 1612–Dec. 1613.

out of hatred to the Laird of Monymusk, sent Johnne Ramsay, his grieve, Johnne Philp, his officer, William Dewny, officer in Mariculter, Johnne Sectour, his domestic, David Brokey and Johnne Blaklawis, cottars, on 7th July last, to destroy pursuer's corn on the lands of Blakhill of Torrie, by gathering together all the "bestiall and goodis within the fauldis and upoun the ground" nearest the said lands, and holding them thereon "ane haill nicht, quhill ane grite quantitie of the saidis coirnis wer tred, eittin and distroyit." On 23rd July, the same persons, together with William Dewgat, servitor to George Gairdin, servant of the laird of Pitfoddlis, and other accomplices (tenants and servants of the said laird), came by night, by direction of the laird of Pitfoddellis and his wife, to pursuer's said lands, and with swords and "huikis" cut a great quantity of the corn growing thereon which had been left undistroyed by the "bestiall
Fol. 274, b. and goodis the nicht preceiding." On 24th July, the said Johnne Ramsay, William Dewny, and William Dewgatt, and others, by the same direction, came to the said lands after 10 o'clock at night and cut down the "haill grouth of fyve rigis." When they returned to the laird's wife she asked them if all the corn were destroyed; and, on their answering that some remained, she ordered them, and James Knowis in the Coithill of Maryculter, James Lichtoun, servant to Alexander Mylne at the Mylne of Maryculter, William Knowis, "girsman" to the vicar of Mariculter, and Johnne Knowis, "poikman" there, to cut the rest of the corn on the following night. The said persons came to cut the corn; but "the taking of the said William Dewgatt, who wes tane at the coirnis with his huik in his hand, movit the rest to eschaip."—Pursuers appearing personally, and the said Gilbert Menzeis (who appeared for the other defenders) and his spouse being likewise present, the Lords, understanding that the possession of the said lands is a matter of dispute between the parties, continue the case till that question be decided by the proper court.

Caption against Sir George Home of Broxmouth.

Complaint by Williame Cairnecors of Colmeslie that Sir George Home of Broxmouth, knight, remains unrelaxed from a horning of 16th June last for not relieving pursuer as cautioner for him to Kae, burgess of Lynlithgow, for 1000 merks.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Alexander Morton against Kennedy of Crugilton for oppression.

Fol. 275, b. Complaint by Alexander Mortoun in Grenane, and James Glendoning of Mochrum, his master, for his interest, as follows:—On 25th March last, James Kennedy of Crugiltoun, with others to the number of sixteen persons, came to pursuer's barn in Grenane, and, having entered by force, took away 8 score bolls of corn. Pursuer, accordingly, "intentit actioun of spuilzie" against defender, and on 13th July last the libel was "admittit to the said Alexander Mortoun his probatioun." Defender thereupon conceived great "haitrent and malice" against pursuer, and on 11th July apprehended him, carried him to the castle of Crugiltoun,

and "committit him to strait prisone within the pit of the same," where he kept him "in grite miserie."—Pursuer appearing personally, and defender not appearing, the Lords order defender to be denounced rebel. Decreta June 1612–Dec 1613.

Earl of Crawford and the Laird of Kinfauns.

"Ane missive frome his Majestie in favouris of Kinfawnis anent releving of him of the cautionarie quhilk he undirtooke for the Erll of Craufurde, and dischairgeing him of the penaltyis thairof. The Lordis, haveing considderit the missive, remittis that pairt thairof tuitcheing the discharge of bigane penaltyis to the consideratioun of the Thesaurair and Commissionaris for the Rentis, and findis that Kinfawnis sould not be dischargeit of his cautionarie in tyme comeing, becaus it wes affermit be the Erll in Kinfawnis awne presence that Kinfawnis had nevir bene distressit, callit nor convenit for ony brek committit be the said Erll sen the finding of that cautioun, and that the Erll had putt Kinfawnis in the right of his haill estate for his relief of that cautionarie, wherby the said Erll could gett nane now who wald become cautionair for him." Sederunts Fol. 85 a.

[See p. 171.]

Edinburgh, 30th November 1613.

Sederunt—Chancellor; Bishop of Glasgow; Hammiltoun; Ergyle; Mar; Cassillis; Kildrymme; President; Secretary; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Brunti-land; Medop; Sir Andro Ker. Acta Oct. 1612–Nov 1614. Fol. 75, .

Promotion of Sir Thomas Hamilton of Byres, Secretary of State, to be a Baron and Lord of Parliament, by the style and title of Lord Binning; exhibition before the Council of his Majesty's patent under the Great Seal to that effect; and delivery of the patent to Lord Binning, with the Council's recognition of his new dignity.

"The quhilk day Alexander, Erll of Dunfermelyne, Lord Heich Chancellair of Scotland, presentit and exhibite before the Lordis of his Majesteis Prevey Counsaill ane patent undir his Majesteis Grite Seale, beiring dait at Roistoun the nynetene day of November instant, by the whiche his Majestie wes gratiouslie pleasit, in rememberance of the worthie service done unto his Majestie thir money yeiris bigane be his trustie and weilbeloved counsallour Sir Thomas Hammiltoun of Byris, knycht, principall Secretair of this kingdome, alswell in the diligent and faithfull dischairge of all those dewtyis whilkis wer proper to the officeis quhilkis he held of his Majestie, as in diverse utheris privat and publict imploymentis, importing the credite and honnoure of this estaite, committit to his chairge and truste, to prefer, advance, and honnour him with the title, dignitie, preeminence and rank of ane Barroun and Lord of Parliament, to the effect that not onlie he micht be encourageit to perseveir in his faithfull dewtie in all his Majesteis affairis and imploy-mentis, bot utheris in imitatioun of his worthie service may endevoir thame selffis to procure the lyke favour and gratious rememberance from his Majestie. Quhilk patent being sene, red, and considerit be the saidis Lordis, thay with all dew reverence did acknowledge his Majesteis bonty and favour schowin to the said Sir Thomas, and accordinglie did ressave and admitt him as a Barroun and Lord of Parliament, to haif place, voit, rank and dignitie amangis the noblemen of this kingdome in all publict and privat meetingis in tyme comeing, and to be callit Baroun and Lord of Bynning. Lykeas, the said Thomas, Lord of

Acta Oct. 1612-Dec. 1614.

Bynning, being personalie present, he with all humilitie and reverence ressavit frome the handis of his Majesteis said Chancellair the patent foirsaid, and promeist to approve him selff, to the uttirmost of his possibilityis, worthie of the favour, honnour, and dignitie whairunto his sacred Majestie wes pleasit to advance him."[1]

Fol. 75, b.

Order for stopping renewed oppressions by Sir Robert Crichton of Cluny and his servants upon William Rowan of Bandane.

Complaint by Williame Rowane of Bandane against Sir Robert Creichtoun of Cluny, knight, Patrik Wood, his servant, William Wood of Bablane, and David Gairdin and Johnne Forbes, servitors to the said Sir Robert, as follows:—The said persons had been all denounced and put to the horn at the complainer's instance for not entering into ward within the Tolbooth of Edinburgh to answer for certain oppressions committed by them upoun the complainer; whereupon some of his Majesty's Guard had been "directit with commissioun to haif apprehendit the rebellis and to haif possest the said Williame in his place of Gairdine." The said detachment of the Guard had accordingly, taken "the said place of Gairdin and possest the said William and his servandis thairintill upoun the day of last." When, however, the Guard had returned from this duty, and "no forder insolence wes expectit to haif bene committit be the saidis rebellis," the trouble had been renewed. "Accompanyit with utheris thair compliceis," the rebels "ar of new come agane to the said place, furneist with hagbutis, pistolletis, and utheris wapponis, and hes placit thame selffis in the laich houseis and barnis about the place, and hes invironed the same on all pairtis, shoiting and dischairgeing hagbutis and pistolletis in at the windowis and utheris oppin pairtis of the house, sua that nane within the house dar come furth, nather yit can ony utheris personis be sufferit to haif access and entrie within the same; and in the meantyme thay do thresche oute and dispone upoun the said Williames cornis at thair pleasour."—The Lords of Council, having considered the complaint, "ordanis and commandis the Capitane of his Majesteis Guard to direct foure personis of his company of the Guard to pas to the place of Gardin, and thair, and in all utheris pairtis thairaboute, to search, seik and tak the saidis rebellis and thair compliceis assisting thame in this thair rebellioun and hostilitie quhairevir thay may be apprehendit, and to

[1] At the date of this promotion of Secretary Hamilton, *alias* "Tam o' the Cowgate," to the peerage, he was about fifty years of age, having been born in or about 1564, the year of Shakespeare's birth in England. He had been called to the Scottish Bar in 1587, had been appointed an ordinary Lord of Session in 1592, and had been (first as Mr Thomas Hamilton and then as Sir Thomas Hamilton) a most conspicuous man in the Privy Council and in the general politics of Scotland since 1596,—his official post for fifteen years having been that of *King's Advocate*, exchanged so recently as May 1612 for that of *Clerk of Register*, and within a month or two afterwards for his present office of the *Secretaryship*. For abundance of previous information about him and his doings see vols. v., vi., vii., viii., and ix. of this Register by the Indexes. He had recently been on one of his visits to the English Court (*ante*, p. 157); and there can be little doubt that his elevation to the peerage had been then arranged, and that, though merited by his ability and his past services, it was owing partly to his family connexion with the King's all-powerful Scottish favourite of the time, Robert Ker, Viscount Rochester. See *ante*, vol. ix. p. 160 n.

bring, present, and exhibite thame before the saidis Lordis, to be tane ordour with and punist as accordis, and of new to posses the said William in his saidis houssis and barnis, as the said Capitaine of the Guard will answer upoun his obedience." Acta Oct. 1612–Nov. 1614.

Sir Andrew Ker of Oxenhame appointed to succeed Sir Robert Ker of Ancrum in his special charge of the Border garrison and in his general service to the Council, the said Sir Robert having been called to England to attend on the person of the Prince, and being no longer able to attend to the duties of those Scottish offices.

"Forsamekle as it hes pleasit the Kingis Majestie to appoint Sir Robert Ker of Ancrum to attend upoun the persone of his Majesteis darrest sone the Prince, sa as now he can not personallie attend his chairge nathir in the Middle Schyris nor in the executioun of the directionis of his Majesteis Prevey Counsaill; and his Majestie being weill pleasit that the said Sir Robert sould appoint some freind for whome he wold be answerable to ressave alsweill the directionis of his Majesteis said Prevey Counsaill as these of the Commissionaris of the said Middle Shyreis, and to ovirsie and direct his lieutennent and company in the dischairge of thair dewtyis,—as ane lettir undir his Majesteis hand directit unto the Lordis of his Majesteis Prevey Counsale, beiring the significatioun of his Majesteis will and pleasoure in this mater, at lenth beiris: And, the said Sir Robert Ker being callit upoun and compeirand personalie before the saidis Lordis, and his Majesteis gratious will and pleasour in this matir being intimat and declairit unto him, and he accordinglie being desyrit to nominat some personis to supplie the chairge and service foirsaid quhilk formerlie wes suppleit be him, the said Sir Robert nominat Sir Andro Ker of Oxinhame, knycht, as a persone most meete and able to dischairge the said service. Lyke as, the said Sir Andro being personalie present, he with all dew reverence acceptit the said chairge upoun him, and promeist to dischairge his dewtie thairin as accordis. Whereupoun the saidis Lordis of Secrite Counsale hes ressavit and admitit, and be the tennour heirof ressaves and admittis, the said Sir Andro Ker of Oxinhame, knycht, to the administratioun of the place, chairge, and office foirsaid, to be possest, bruikit and joysit be him with als grite fredome, libertie and previledge, as the said Sir Robert formerlie possest the same."—Then follows his Majesty's warrant for the Act, dated "at our palice of Whytehall, the eight of November 1613," and worded substantially as in the Act itself. Fol. 76, a.

[Sederunt as recorded above.] Decreta June 1612–Dec. 1613. Fol. 276, a.

Edinburgh, 30th November 1613.

Caption against Wood of Bonytown.

Complaint by George Halden, indweller in Edinburgh, that Harie Wood of Bonytoun remains unrelaxed from a horning of 23rd June 1612 for not paying to pursuer 200 merks of principal and £40 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

The Earl of Argyle against Allan MacDougall of Donally for reset of the Clan Gregor.

Complaint by Archibald, Earl of Ergyle, "his Majesteis lieutennent, justice, and commissionair aganis the Clangregour," as follows:—Although proclamations have been duly made anent the reset of the Clangregour, yet Allane M°Dowgall, son of Duncane M°Dowgall of

Decreta June 1612-Dec. 1613.
Fol. 276, b.

Donnollich, has "at diverse and sindrie tymes" contravened the same, has "intercommonit" with the rebels, "furneist unto thame meit, drink, house and harborie, has bene in company with thame, hes sene thame upoun the feildis and hes not shoutit thame, nor huntit, followit, and persewit thame, bot hes sufferit thame peciablie to go by thame unchallangit be thame in onywyse, to the disapointing of diverse purpoisis whiche the said lieutennent had in handis aganis thame."—Pursuer appearing personally, and defender also appearing, the Lords assoilzie defender, who has declared on his oath that the charges are "not of veritie."

Fol. 277, a.

Caption against Rhynd of Carse.

Complaint by George, Archbishop of Sanctandrois, that Johnne Rynd of Cars remains unrelaxed from hornings of 30th June and 2nd July last for not paying to pursuer £1000.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 277, b.

Captions against Gilbert Wishart and others for debt to John Heriot, tailor.

Complaint by Johnne Hereot, tailor, burgess of Edinburgh, that Gilbert Wischart, brother of the Laird of Logy, remains unrelaxed from a horning of 10th June last for not paying to pursuer £160 of principal and £30 of expenses; also that Johnne Lindsay of Kingissait remains unrelaxed from a horning of 10th June for not paying to pursuer £251 of principal and £50 of expenses; also that William Lyoun, servitor to the Earl of Craufurd, remains unrelaxed from a horning of 10th June for not paying to pursuer £200 of principal and £40 of expenses; also that the said Gilbert Wischart remains unrelaxed from a horning of same date for not paying to pursuer £89 of principal and 20 merks of expenses; also that Thomas Moncur, brother of the Laird of Moncur, remains unrelaxed from a horning of 12th June for not paying to pursuer £68 of principal and £10 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, there is order as above against defenders.

Fol. 278, a.

Alexander Colquhoun of Luss and his kinspeople and tenants against the Earl of Argyle, as responsible for a number of Macgregors and their associates who have committed slaughters and depredations on pursuers: the Earl assoilzied.

Complaint by Alexander Colquhoun of Lus for himself and as "chief and neir kynnisman," Johnne Colquhoun of Camstroden as brother, "to umquhill Johnne and Adam Colquhounes, sones to Colquhoun, elder, of Camstroden," and by Patrik Colquhoun of Auchintullie, Waltir Colquhoun, now of Barnhill, "as oy to umquhill Waltir Colquhoun of Barnehill, his guidsir, and as sone to umquhill Johnne Colquhoun of Barnhill, his father," Johnne M°Farlane, son of Malcome M°Farlane in Stukintibir, and "as bruther sone to umquhill Patrik M°Fune in ," Umphra Lang, as sone to umquhill Patrik Lang in Lus, Colquhoun, relict of William Reid in Achschigartane, "with the remanent kin and freindis of the saidis umquhill Johnne and Adame Colquhoneis, umquhill Johnne Colquhoun, fear of Auchintullie, umquhill Waltir Colquhoun of Barnehill, and umquhill Johnne Colquhoun, his sone, umquhill Patrik M°Fune, umquhill Patrik Lang, and umquhill William Reid"; also by the following persons:—

Niniane Williamsoun in Auchintullich, , relict of Parlane M^cWilliam in Glenmullochan, Patrik Dow M^cWattie in Drummukinwinning, Gilbert M^cWattie in Currichinnachan, M^cIntailyeour in Innerthomtingmore, Thomas Gressiche there, M^cMuie in Innerroytachan, Johnne M^cCausland in Tombay, Robert Leriche in Preishilloch, Issobell M^kIllib M^kNwyer Gressiche in Caldenoche, , relict of Robert More M^cWattie in Glenmullochan, Robert M^cWattie in Edintagart, Katherine M^cWattie, relict of Patrik M^cInturnour there, Marioun M^cCoull, relict of Allaster M^cWattie in Glenmukerne, Johnne Lang in Lus, Duncane M^cInturnour in Glenm[u]kerne, Patrik Colquhoun in Bray, M^cWilliam, relict of Thomas M^cIlfadrik, Beatrix Colquhoun, relict of Robert M^cInturnour in Shymore, Patrik M^cGibboun there, Helene M^cWilliam in Shebeg, Waltir Colquhoun in Cantran, Issobell M^cCorrie there, Daniell Colquhoun in Porte, Marioun Colquhoun in Chantrane, Colquhoun, relict of Johnne M^cIntailliour in Blairroill, M^cWaltir, relict of Patrik Colquhoun in Porte, Agnes Colquhoun, relict of Petrie M^cKinlay, Patrik M^cNellane in Fynlas, Robert M^cEachen at the mylne of Fynlas, Adam Glen, miller, there, Katherine Colquhoun there, Johnne M^cIndowne in Tynnatrie, Jonet Lang in Porte, Johnne M^cArthour there, Marioun M^cCoull there, Robert M^cManus there, Helene M^cInturnour there, Johnne Dunlop in Dumferne, Johnne Lennox in Innerlarne, M^cKenzie, relict of Petir Colquhoun in Auchinvennell, Dougall M^cFarlane in Innerlaren, Patrik Foucater in Litle Kilbryde, Johnne M^cCaulay in Chapell of Kilbryde, Ewne Tailyeour in Auchingeich, Patrik Galbraith there, Donald Douglas in Drumfeirne, James Colquhoun there, James Glen there, Arthour Darleith in Duchlas, , merchant, there, Robert M^cInlay in Nethir Ros, Archibald M^cClellane in Mydros, Agnes Colquhoun in Finlas, Patrik Colquhoun of Auchintullie, Robert M^cClerich, Johnne M^cClyntok in Chantran, Katherine Balquhannane there, M^cIlfadrik, relict of Duncane M^cWattie in Shymore, Adam Colquhoun in Porte, Robert M^cManis in Arnburne, , relict of Ferroquhair M^cNeit in Nethir Baurie, Thomas M^cNeit in Auldcly, Fewcater there, Andro Wricht there, Johnne Colquhoun of Hill, Dougall M^cCousland there, Archibald M^cInturnour in Achingaand, Johnne M^cWilliam there, Andro M^cWilliam there, M^cEane Vie there, Patrik Buquhannane in Lus, Johnne M^cKindullony, Baquhannane, relict of Duncane Arret, minister at Lus, Malcome M^cColroy, Johnne Leich of Culchippen, , relict of Patrik M^cWilliam in Glenmullochan, , relict of More M^cWattie there, V^cWalter, relict of Patrik M^cInturnour in Edintagart, Rob Gib M^cWattie, Allaster M^cWattie in Glenmakarne, Robert M^cWattie there, V^cGibbon in Caldun, Barroun M^cCausland, Gilbert M^cWattie in Currichinnachan, Donald Leich in Innerroulas, Robert Leiche there, and Gawin Colquhoun in Craigintorrie, "all tennentis and inhabitantis undir the laird of Lus,"

Decreta June 1612–Dec. 1613. Fol. 278, b.

Fol. 279, a.

Decreta June 1612–Dec. 1613.

together with "the haill remanent poore people and inhabitantis, all herreit and put to beggerie be the Clangregour and thair associatis, to the noumer of fyve hundreth men wemen and childrene." They complain that Coline M^cGillespic Campbell in Beth, Allaster M^cMoig M^cMabrich in Glenco, Archibald M^cMoig M^cMabriche, his brother, M^cIlglas, servitor to the said Allaster, Johnne Roy M^cIndone and his servant Duncane Oillich M^cCoull, Donald M^cFall in Glenco, M^cIndowy in Grassich, Donald Kear in Auchindorache, Donald M^cIndowy in Innerchaiyle, V^cColl M^cEandow M^cMurrich in Roroger, Patrik and Archibald Boll, sons of Johnne Boill in , Johnne Dow M^cGillespik Campbell in Achallander, Archibald M^cIlfadrik M^cIntoll, Johnne Dow M^cGillespik V^cIlfadrik, Nicoll M^cEanroy Uig in Achallander, Duncane M^cCoull M^cIlvoill, Johnne Dow M^cGillespik Amminoniche, Finla Roy M^cMoreis in Molloch, Archibald M^cDonachie Campbell, son of the Tutor of Innerraw, Dougall M^cCondochie Campbell, brother of the said Archibald, Lauchlane M^cDonachie Campbell, Duncane, his brother, servitor to the said Archibald, Patrik M^cDonachie Campbell "father bruther" to the Laird of Innerraw, Archibald M^cEwne M^cDonachie Campbell in Achecharne, Duncane M^cEwne M^cDonachie Campbell there, servitor to M^cDonachie Campbell of Innerraw, Duncane M^cOlour M^cDonachie Campbell, Johnne Oig M^cCoull Arratiche, Johnne Dow M^cGillespik V^cCoull V^cEane Campbell in Acharne, Ewne Oig M^cCoull Aradiche in Dalnes, Gillespik M^cCoull Dow V^cKarne, servitor to Patrik M^cDonachie Campbell in Acharne, Angus Oig M^cKnellane in Innerkinglas under Lochneill, Allaster M^cGillespik V^cCoull V^cEane, Stevin M^cRobert in Innerraw, Fledger M^cNair, servitor to M^cCondochie, John Dow M^cIntyre, servitor to Patrik M^cCondochie, Donald Roy M^cRobert in Glenchrynning, Johnne Dow M^cCondochie Callaster in Glencattelling, Ewne M^cCondochie Callaster in Glenneten, Donald M^cGillespik V^cFadrik in Glenurquhie, Johnne Dow M^cIlfadrik M^cNicoll in Stronmessen, Duncane M^cIlcreist

Fol. 279, b.

V^cEane in Innerch . . M^cIlcreist V^cEwne in Glenfalloch, Gillichreist M^cNewie in Coilhurne, Donald M^cNuyer there, Duncane M^cIlchreist V^cEwne in Glenfalloch, and Lauchlane Oig M^cCondochie in Glenurquhy's bounds, remain nnrelaxed from hornings of 27th and 29th May and 1st and 3rd June last for not finding caution in the Books of Adjournal to appear before the Justice on a certain day to answer the charge of committing "schamefull and cruell murthouris, slauchteris, thiftis, reiffis and oppressionis" on pursuers. The defenders are tenants and servants of Archibald, Earl of Argyle, "accompaneis him at oisting and hunting, and payis to him thair calpis and heriyeildis"; and the said Earl should therefore be answerable for them.—Alexander Colquhoun of Luss appearing for himself and the other pursuers, and the Earl of Argyle being likewise personally present, the Lords assoilzie the Earl, because he has declared on oath that the said rebels are not his tenants, nor "sic personis as he aucht to be answerable for."

Commission for the apprehension of John Forrest, charged with destroying a mill.

Commission under the Signet, signed by the Chancellor and Sir [T] Hammyltoun, to Sir William Baillie of Lamyntoun, Johne Hamyltoun, parson of Crawfurdjohnne, M^r^ James Hamyltoun, commissioner of Lanerik, and Johne Tailyefeir, to apprehend and commit to the Tolbooth of Edinburgh Johnne Forrest in Poighous of Crawfurdjohnne; who (1) went on the night of 1611 to the mill of Crawfurdjohnne, with axes, great mells, and other instruments, and broke the "utter and inner quheillis, axtrie, spindle, happer, and trouch" of the said mill, broke both the "rinnand and lyand stones" and the remaining "ornamentis" of the mill, and cast down the mill house to the ground; (2) in 1612, after the rebuilding of the mill, went again and caused the same to be burnt to the ground; and (3) slew a mare and 4 kye belonging to James Patoune, farmer of the said mill. Commissions. Fol. 175, b.

Erskine poisoning case.

"A warrand past to the Justice to putt Robert Erskin to the knowlege of ane assise for the practise of posone aganis the tua brethrene of Dyn, his nephewis." Sederunts. Fol. 85, b.

Clan Gregor children.

"Ane act anent the bairnis of the Clangregour; and ane act anent the compt maid be the Erll of Ergyll."

Robert Abroch Macgregor.

"Chargeis aganis the Erll of Perth and Lord Madertie for exhibitioun of Robert Abroche and ."

Clan Gregor.

"Chargeis aganis the Laird of Grant for exhibitioun of the Clangregour being in his handis."

Same.

"Chargeis aganis the Erll of Enzee for exhibitioun of M^c^Gregour being in his handis."

Clan Gregor children.

"Ane act releving the landislordis of all payment of the contributioun, in respect the burdyne of the bairnis is layed upoun thame."

1st December 1613.

Commission to the Earl of Mar for the apprehension of Helen, Annas, and Isobel Erskine, and others, charged with witchcraft and conspiracy to poison.

Commission under the Signet, signed by the Chancellor, Hammiltoun, Argyle, Glasgow, Cassillis, and Sir T. Hammiltoun, to Johnne, Earl of Mar, and such as he may nominate, to apprehend and commit to the Tolbooth of Edinburgh Helene, Annas, and Issobell Erskine, daughters of the late Johne Erskine of Logy, Irwing at Mureailhouse, Johnne and George Kirk, sons of Johnne Kirk in Logy, and Gilbert Campbell in , suspected of "witchcraft, consulting with witches, useing of poysoun, and utheris detestable meanis, for the murthour of umquhill Johnne and Alexander Erskines, sones lauchfull to umquhill David Erskin in Logy." Commissions. Fol. 175, a.

Edinburgh, 2nd December 1613.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Hammiltoun; Ergyle; Glencarne; Cassillis; Bishop of Caithness; Roxburgh; Master of Elphinstoun; Bynning, Secretary; President; Privy Seal; Justice Clerk; Advocate; Treasurer Depute; Bruntiland; Kilsyth; Medop; Sir Andro Ker. Acta Oct. 1612–Nov. 1614. Fol. 76, b.

Acta Oct. 1612-Nov. 1614.

Fol. 76, b.

Prosecution of Sir John Ker of Littledean for unlawfully assuming the style and title of Lord of Jedburgh.

Complaint by Sir Williame Oliphant of Newtoun, King's Advocate, for his Majesty's interest, as follows:—"Sir Johnne Ker of Litle Dene, knycht, hes at his awne hand, without ony lauchfull warrand, most unlauchfullie assumed unto him selff the title and style of ane lord, he nawyse being creat a lord or barrone of Parliament be ony warrand or directioun from his Majestie; whereby he hes usurpit upoun him his Heynes royall power and auctoritie; which being a mater of suche novaltie and bad example, the same is altogiddir intollerable, that honnouris sould be assumed be ony personis without his Majesteis authoriseing and allowance, who is the fontane of all honnouris within hes Heynes dominionis, and by whome alone suche tytlis and styllis of honnour and dignitie can be conferrit; and thairfore the said Sir Johnne, for his proud presumptioun and usurpatioun of his Majesteis royall power, aucht and sould be punist in his persone and goodis, to the terrour of utheris to committ the lyke heirefter."—Charge had been given to the said Sir Johnne Ker to appear this day in answer under pain of rebellion; and now, he being personally present, there are produced, for verification of the complaint, these two documents: viz., (1)

Fol. 77, a.

"Ane rentaill maid be the said Sir Johnne to Richard Davidsone in Mylbank, ressaveing and rentalling him for all the dayis of his lyff in three husband landis of the toun and landis of Houstoun formarlie possest by Raulff Robsoun in Middlisknowis,—in the quhilk rentaill the said Sir Johnne is styllit 'Us Johnne, Lord of Jedburgh,' as the samyn rentaill subscryvit be the said Sir Johnne, Jedburgh, and beiring the dait at Jedburgh the fourtene day of May j^{m}vj^{c} and threttene yeiris, beiris"; (2) "Ane contract past betuix the said Sir Johnne on the ane pairt, and William Robsoun, callit the laird, and Thomas Robsoun, his sone, on the uthir pairt, tuitcheing the renunciatioun maid be the saidis personis, to and in favouris of the said Sir Johnne, of all and haill the half teynd schavis of the landis and toun of Swynesyde,—in the quhilk contract, subscryvit be the said Sir Johnne, Jedburgh, he is styllit 'ane noble lord, Johnne, Lord of Jedburgh,' as the said contract beiring dait at Jedburgh the aucht of Marche j^{m}vj^{c} and twelf yeiris [beiris]." On this evidence "it wes alledgeit be the said Lord Advocat that the said Sir Johnne did acknowledge the said style and title to be dew unto him, and that thairby he had most unlauchfullie and presumptuouslie assumed and attributed unto him selff that rank and dignitie of honnour quhilk nowthir by his birth nor be the favour of his prince he could justlie acclame; he being so mutche the more inexcusable in this poynte insofer as he perfytlie knew and undirstood that, when his infeftment and patent of the said leveing of Jedburgh wes presentit unto his Majestie to be signed, it wes his Majesteis good pleasoure, upoun considerationis notour to him selff, to deleit furth of the said infeftment and patent that claus and article bearing the creatioun of the said Sir Johnne in a lord and barone of Parliament." To this it is replied by Sir Johnne that, "altoght

ignorantlie he had subscryvit some writtis whairin the writtaris, out of thair curiositie, without warrand, command, or directioun frome him, had styllit him Lord of Jedburgh, he not being so respective and considerat as to examine everie particulair phrase and article insert in these letteris, bot onlie contenting him selff to undirstand and knaw the substance of the same, without fordir curiositie to looke to the phrase thairof," yet this negligence "sould noway infer ony prejudice aganis him, nor bring him undir the compas of a punisheable censure, seeing he had not subscryvit 'Lord of Jedburgh,'"—the rather because, "seing now he had the richt of the abbacie of Jedburgh, the fewairis and takkismen of that benefice, who had thair securetyis and takkis to renew, did out of thair simplicitie and ignorance apprehend ane opinioun that thair securetyis could not be valide unles the said Sir Johnne wer expreslie denominat thairin Lord of Jedburgh."—The Lords, having considered all the circumstances, "ffindis and declairis that the said Sir Johnne hes not been so respective and considerat as he aucht and sould have bene in forberring to gif his subscriptioun to letteris and writtis quhairin he wes styllit Lord of Jedburgh, and that he hes committit some offence, presumptioun and ovirsicht in that poynte; and thairfore the saidis Lordis admonischeis him to forbeir the lyke in tyme comeing, as he wil be answerable at his heicheist perrell. Bot, whereas this his errour and ovirsicht hes proceedit upoun mere simplicitie, without ony purpois or intentioun in him to acclame, attriebute, or assume unto him ony suche title, style, rank, or dignitie without the speciall allowance, favoure, and donatioun of his most sacred Majestie, as wes constantlie affermed be the said Sir Johnne, thairfore the saidis Lordis hes assoilzeit and assoilzeis *simpliciter* the said Sir Johnne fra all pane, cryme, punischement, and offence that may be impute to him, or quhilk he may incur, for this caus, and decernis him quite thairfore in all tyme comeing." Acta Oct. 1612–Nov. 1614. Fol. 77, b.

Edinburgh, 2nd December 1613.

[Sederunt as recorded above.]

Decreta June 1612-Dec. 1613. Fol. 280, a.

To denounce MacLauchlan of that Ilk for not producing two persons at the horn.

Complaint by Duncane M°Brayne Lytche that Duncane M°Cleriche of Bralekan remains unrelaxed from a horning of 27th September 1599 for not appearing before the Council to answer to a charge of assault on pursuer; also that Donald M°Condoquhy V°Ewir of Auchindrane remains unrelaxed from a horning of 18th January 1601 for not finding caution for pursuer's indemnity. As both defenders are tenants of Lauchlane of that Ilk, he is bound to produce them.—Pursuer appearing personally, and Lauchlane M°Lauchlane not appearing, and the said rebels not being produced, the Lords order the said defender to be denounced rebel.

Act finding John Gordon of Buckie answerable for the production of John Macgregor.

"Forsamekle as, Johnne Gromoche M°Gregour, ane commoun and notorious theif, being apprehendit be Johnne Gordoun of Buckie, he wes tane af his handis, as the said Johnne alledgeis, be Coline Campbell of Clunes, lyke as the said Coline, to disburdyne himself of him, hes Fol. 280, b.

Decreta June 1612-Dec. 1613.

Fol. 281, a.

layed him upoun Chairlis Robertsoun in Athoill: quhairfore necessair it is that the saidis Johnne Gordoun, Coline Campbell, and Chairlis Robertsoun be maid answerable for the said Johnne M^cGregour, and be compellit to exhibite him."—The said Johnne Gordoun and Coline Campbell appearing personally, and the said Chairlis Robertsoun not appearing, the Lords find that the said Johnne Gordoun should be answerable for the said Johnne M^cGregour's exhibition; and they assign the 15th day of May next for the exhibition of the said Johnne M^cGregour or the said Chairlis Robertsoun by the said Johnne Gordoun, who "is wairnit heirof *apud acta*."

Sederunts. Fol. 86, a.

Marquis of Huntly and Allan Mac-Eanduy.

"The Lordis nominatis the Erll of Cassillis, the Bischop of Caithnes, the Lordis Thesaurair, Medop, Kilsyithe, and Advocat, to convene the morne at after noone in the Laich Counsalhous, and thair to confer upoun the articlis gevin in namé of the Marques of Huntley for persute of Allane M^cEanduy, and to advise how mony of the articlis ar fitt to be grantit and how mony not to be grantit, and to reporte to the Counsaill the next Counsaill day thair opinioun thairanent."

George Dick and John Thomson.

"The quhilk day the freindis of Gilbert Dik, merchand, on the ane pairt, and Johnne Thomesoun, on the uther pairt, consentit that Alexander Persone, baillie of Edinburgh, sould be overisman in the submissioun past betuix thame, but prejudice of the decreit alreddy pronunceit be Gilbert Dik him self in cais the submissioun tak not effect."

Decreta June 1612-Dec. 1613. Fol. 281, a.

Edinburgh, 7th December 1613.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Hammiltoun; Glencarne; Cassilis; Lotheane; Bynning, Secretary; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop.

Caption against David Kyninmonth and others.

Complaint by James Hammiltoun, macer, that David Kyninmonth of that Ilk, Marie Seytoun, his spouse, and Patrik Kyninmonth, their eldest son, remain unrelaxed from a horning of 6th November last for not "flitting and removeing" from the lands and mains of Craighall, Mylne of Schyres, mill lands thereof, the lands of Kingarrak, Baltullie, and Pitscottie, with all pertinents.—Pursuer appearing by Alexander Douglas, macer, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Fol. 281, b.

Caption against Lindsay of Kinnettles and Lyell of Murthill.

Complaint by Sir William Foullertoun of that Ilk, that David Lindsay of Kynnaldie, as principal, David Lindsay, fear of Kynnetlis, and Thomas Lyell of Murthill, as cautioners, remain unrelaxed from a horning of 15th June last for not relieving pursuer as cautioner for the said David Lyndsay, fear of Kynnaldie, for payment to James Cochrane, merchant, burgess of Edinburgh, of 30 score bolls of oats, 27 bolls of bere, and 6 score bolls of wheat, "all cherittit guid and sufficient

stuff," and of all expenses connected with the same.—Pursuer appearing by James Ramsay, his procurator, and the said David Lindsay of Kynnetles and Thomas Lyell of Murthill not appearing, there is order against these as above. Decreta June 1612–Dec. 1613.

7th December 1613.

Indemnity to Sir Gideon Murray and Sir Robert Ker of Ancrum for their past services as Commissioners in the Middle Shires.

Indemnity to Sir Gedeon Murray of Elibank, knight, and Sir Robert Ker of Ancrum, knight, "gentilman of the Prince his Heynes Capitane of his Heynes Guard," for their service as Commissioners in the Middle Shires. "And, albeit in the said commissioun grantit to the said Sir Gedeon certane utheris commissionaris ar conjoynit with him, yit sindrie occasionis of the said service hes intervenit quhilkis micht not suffer delay quhill all the saidis commissionaris war convenit, sa that sumtymes throw the necessitie of the said service ane or tua of the saidis commissionaris have tane, apprehendit and punist malefactouris and rebellis, and haif done other good thankfull service, to the commoditie and weill of the said kingdome, quhairthrou it wer not convenient that sic fervent love, earnist desyre, and effectioun of justice, and punishment of malefactoris and rebellis, sould be impute to the said Sir Gedeoun heirefter for ane offence, injurie, or cryme." The King therefore approves all such acts. Given at Roystoun, 7th December 1613. Signed by the King; and subscribed by the Chancellor, Hammiltoun, Mar, Lotheane, Bynning, Jo. Prestoun, R. Cokburne, Sir Johne Cokburne, Alexander Hay, and W. Oliphant. Borders, 1603–1643. Fol. 41, b. Fol. 42, a.

7th December 1613.

[*The Book of Sederunts substitutes the name of Ergyll for Hammiltoun as found in the Decreta in the above, and adds that of the Master of Elphinstoun.*] Sederunts. Fol. 86, a.

Sir Robert Stewart and the Earl of Orkney.

"Ane warrand to the constable and keeparis of the Castell of Dumbartane to suffer Sir Robert Steuart, knyght, bruther to the Erll of Orknay, haif access within the said castell for intercommoning with the Erll of Orknay, his bruther."

Edinburgh, 9th December 1613.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Hammiltoun; Glencarne; Cassillis; Lotheane; Bynning, Secretary; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Bruntiland; Medop. Acta Oct. 1612–Nov. 1614. Fol. 77, b.

Order for the exhibition before the Council of the eldest son of Allan Cameron of Lochiel, that he may be removed from the society of his father, now under denunciation for various crimes, and in open rebellion, and

"Forasmekle as Allan Camroun of Lochyell haveing of laite committit most detestable and cruell murthouris and slauchteris upoun diverse of his Majesteis peciable and good subjectis, and haveing treasounablie rissin fyre, brynt houssis, cornis, and barnis, besydis diverse utheris insolencyis and villannyis committit be him, to the offence of God, contempt of his Majestie, and misregaird of law aud justice, for the quhilk he is denunceit rebell and put to the horne; and, he of his awne naturall dispositioun being alwyse inclynnit to murthour, treacherie and rebellioun, it is very liklie that he sall trayne up Camroun, his eldest sone, in that same wicked course of lyff, and now in his young Fol. 78, a.

Acta Oct. 1612–Nov. 1614. Fol. 78, a.

aig instruct him in all these policyis, insolencyis, and misdemeanouris wherewith he him selff during the haill progres of his bypast lyff hes bene exerceisit; for preventing quhairof necessair it is that the said Camroun be exhibite before the Lordis of Secrite Counsaill, to the effect suche ordour may be tane with him, alswele for his educatioun as for the peace and quiet of the cuntrey, as salbe thocht expedient: thairfore the saidis Lordis ordanis letteris to be direct chargeing, &c., haveairis of the said Camroun, sone to the said Allane Camroun, in thair keiping, to compeir, bring, present, and exhibite him before the saidis Lordis upoun the day of , to the effect ordour may be tane with him in maner as is abonewrittin, undir the pane of rebellioun, &c., with certificatioun, &c." may be brought up as a loyal subject.

"Forsamekle as, Allane Camroun of Lochyell haveing had good proofe and experience of his Majesteis benignitie and favour fra tyme to tyme showne unto him, alsweill by ressaveing of him to favour and mercy whenas he stood undir the dainger of the lawis for diverse haynous offensis, as by imploying of him in sindrie of his Majesteis awne particulair serviceis [*ante*, Vol. IX. p. 47, 66, &c.], and he haveing gevin mony attestationis, promissis and oathis to continew in his obedience: notwithstanding it is of treuthe that he, being most unworthie of the benefitis and favouris quhilkis hes bene schawne unto him, haveing made schipwrak of his faith, credite, and promeist obedience, and shaiking af all feir of God, reverence of his prince, and regaird of justice, preferring the unhappie and detestable course of his bypast wicked lyff to all ordoure, policie, good reule and civilitie, hes of lait, by the concurrence and assistance of a nomber of his rebellious compliceis and associatis, in a most detestable and schamefull maner enterit in blood with his awne kynnismen and freindis, hes murdreist and slayne twenty tua of thame or thairby, hes treasounablie raised fyre, brynt diverse housis and barnis, with a grite nomber of cornis, and hes committit grite heirshipis, stouthis, reiffis, and utheris insolencyis. For the quhilkis he and his complices being callit to their tryall before his Majesteis Justice, thay, takand upoune thame the ignominie and guylt of the saidis treasounable crymes, absentit thame selffis frome thair tryall, and ar thairfore lauchfullie and worthelie denuncit rebellis, and put to the horne; whairat thay remane as yit unrelaxt. And now, in forder contempt of his Majestie, thay haif associat unto thame selffis utheris thevis, disordourit and broken men of the Heylandis, by whome he intendis to interteny ane oppin rebellioun, and sua to disturb and disquiet the estaite of the Heylandis, whilkis his Majestie, with so grite panes, travellis, chairges and expensis, had so weill satled in perfyte obedience. For suppressing and preventing of whose treasounable coursis and treasounable deidis and reduceing of thame to obedience, his Majestie and the saidis Lordis hes gevin commissioun to George, Marques of Huntlie, and to George, Erll of Enzee, his sone, and to Alexander Gordoun of Cluny, Alexander Gordoun, fear of Strathdowne, Donald M^cKy, fear of Far, Alex- Proclamation to all the lieges within the sheriffdoms of Inverness and Cromarty, the countries of Sutherland, Caithness, and Strathnaver, the sheriffdoms of Argyle and Tarbet, and part of Perthshire, to rise in arms and concur with the Marquis of Huntly, his son the Earl of Enzie, and others, holding commission from his Majesty for suppressing Allan Cameron of Lochiel and his rebel associates.

Fol. 78, b.

ander Gordoun, bruther to the Erll of Sutherland, James Gordoun, younger, of Lesmore, Johnne Gordoun of Buckie, Johnne Gordoun of Tullichowdie, and Patrik Gordoun of Kincragye, for the persute of the said Allane and his rebellious complices with fyre and swerd and reduceing of thame to obedience, as in the commissioun grantit to thame thairupon at lenth is contenit. For the bettir executioun quhairof, necessair it is that they have the concurrence and assistance of his Majesteis good and loveing subjectis dwelland in the cuntreyis nixt adjacent; for quhilk purpois ordanis letteris to be direct chairgeing all and sindrie erllis, lordis, barronis, landit gentilmen, and substantious yeemen, within the boundis of the schirefdomes of Invernes and Cromartie, and within the cuntreyis of Sutherland, Cathnes, and Strathnavar, within the schirefdomes of Ergyle and Tarbett, and within Perth shyre abone Dunkeld, be oppin proclamatioun at the mercat croceis of the heid burrowis of the saidis schirefdomes and utheris placeis neidfull, that thay and ilkane of thame, weill bodin in feir of weir in thair most substantious and weirlyke maner, ryse, concur, fortifie and assist the saidis commissionaris, every one of thame in the shirefdomes quhair thay dwell, in all thingis tending to the executioun of this commissioun. And, for this effect, that thay convene and meete within the boundis foirsaidis at suche dayis, tymes and placeis, and with sa mony dayis victuallis and provisioun, as thay salbe adverteist be new proclamatioun, missive letteris, or uthirwyse; and that thay follow the directioun of the saidis commissionaris in all and everie thing tuitching the executioun of the said commissioun, as thay will answer to his Majestie and his Counsale at thair heichest chairge and perrell. It is alwayse undirstood, and declairit heirby, that the saidis erlls and lordis sall nawyse be subject to this concurrence bot quhen the said Marques of Huntlie, or the Erll of Enzee, his sone, ar present in persone at this service."

Acta Oct. 1612–Nov. 1614.

Fol. 79, a.

Further proclamation against Allan Cameron of Lochiel and his associates in rebellion, with enumeration of the chief of these associates by name, prohibition of all reset of them or intercourse with them, and offers of reward for the capture of Cameron himself or any of his said associates, dead or alive.

"Forsamekle as, Allan Camroun of Lochyell, being unmyndfull and ungrait of the mony benefiteis and favouris quhilkis he hes ressavit frome the Kingis Majestie, especialie by ressaveing of him into favour and mercy quhenas he stood in dainger of the lawis for diverse haynous crymes and offenceis committit be him, and he haveing maid shipwraik of his faith and promisit obedience, shaiking af all feir of God and his prince, and reverence of the law, and preferring the mishevous and unhappie course of his bypast wicked lyff to godlines, civilite, good reule and quietnes, he and the personis undirwrittin, thay are to say:—Ewne Camroun in Culdoir; Allane Dow in Cluishepharnie; Johnne Dow M^{c}Allane in Drumarban; Ewne M^{c}Moig; Johnne M^{c}Eane V^{c}Allaster in ; Allaster M^{c}Eane V^{c}Allaster, his sone; Johnne Beg M^{c}Allaster V^{c}Ewne in ; Ewne M^{c}Allaster V^{c}Ewne in ; Angus Oig in Keandlochliene; Johnne Oig, his sone; Duncane M^{c}Innes in ; Ewne M^{c}Condoquhie in ; Martyne M^{c}Condoquhie, his sone; Duncane M^{c}Condoquhie, Donald Bayne M^{c}Condoquhie, Donald More M^{c}Condoquhie, and Johnne M^{c}Condoquhie, his foure

Acta Oct. 1612–Nov. 1614.

brether; Johnne M^cConeill Duy in ; Ewne Dow M^cEwne V^cEane V^cEwne in ; Johnne Dow M^cEane V^cEwne, his bruther; Donald Roy M^cInnes in ; Roy M^cInnes and Roy M^cInnes, his tua sones; Donald Our M^cInnes in ; Ewne M^cEwne Williame in ; Johnne M^cEwne Williame, his bruther sone; Johnne Dow M^cEwne William in ; M^cConeill V^cSoirle Oig in ; Johnne Dow M^cInnes Gillespik in ; Johne M^cAllaster Ruy in ; M^cAllaster Ruy, his bruther; Gillichreist Garrow in ; Johnne Dow Beg M^cEanduy Coull in ; Lauchlane Dow Beg, his bruther; Doull M^cKanyee Gillymartine in ; Johnne M^cCoull V^cAnes in ; Johnne M^cAllaster Roy in ; Doull M^cAllaster in ; Paull M^cEane V^cAllaster in ; Donald M^cConnoquhie Roy in ; Johnne Dow M^cConnoquhie Roy, his bruther; M^cInduy Lorne in ; Johnne M^cInche Phale in ; Angus M^cEane V^cWilliam; Donald M^cEane V^cWilliame, and Ewne M^cEane V^cWilliame, his twa sones, in ; Kenyeauch M^cConeill V^cEanroy in ; Ewne M^cKinkear in ; Ewne M^cGillivorich in ; Johnne M^cIlchintyre in ; Duncane M^cEane V^cEwne in ; Johnne M^cConeill V^cEwne, his fader bruther sone; Duncane O'Neill V^cEwne in ;

Fol. 79, b.

Johnne M^cEaneduy in Cholokellie; Dowll Riache in ; Johnne M^cGillireoche in ; Donald M^cEaneduy V^cEwne, in ; Johnne M^cEanduy V^cEwne, his bruther; Johne M^cEwne V^cInnes in ; Johnne M^cInnes in ; Mallanache M^cEane in ; Kenyeauche M^cConeill Roy in ; Allaster M^cEan Oig in ; Allaster M^cEanduy in ; Allan M^cEanduy, his bruther; Johnne More M^cEanduy, alsua his bruther; Johnne Oig M^cEanduy and Ronnald M^cEanduy, alsua his brether; Angus M^cEanduy V^cAllaster in ; Johnne More M^cConeill V^cInmore in ; Allaster M^cInensker in ; Finla M^cConeill V^cInphaill in ; Ewne M^cConeill V^cInglas ; M^cEwene Cleill in ; M^cInnes Chorie in ; Gillespik M^cAllane V^cEanduy in ; Ean Dow M^cAllane V^cEanduy in ; Donald Dow M^cAllane V^cEanduy in ; Tushie M^cConeill V^cEane in ; and Gillespik M^cInnes Ecorrie in —hes, in a most cruell, detestable and schamefull maner, yockit with his awne kynnismen and freindis, and hes barbarouslie murdreist and slayne umquhill Johnne Camroun, *alias* Bodache, Allaster Camroun of Glenneves, and utheris his Majesteis good subjectis, to the nombir of twenty personis or thairby; hes treasounablie reased fyre, brynt diverse housis and barnis, with a grite quantitie of cornis being in the barnis and barneyairdis; and hes committit diverse stouthis, reiffis and utheris insolencyis. For the quhilkis crymes he and his compliceis foirsaidis being callit to thair tryall before his Majesteis Justice, thay, takand upoun thame the ignominie and guylt of the saidis crymes, absentit thame selffis frome thair tryall, and are thairfore lauchfullie and ordourlie denuncit rebellis, and put to the horne; quhairat thay remane as yit unrelaxt, in heich con-

tempt of oure Soverane Lord, his auctoritie and lawis; lykeas, to the fordir contempt of his Majestie, thay have associat unto thame selffis diverse utheris disordourit and brokin men, by whose concurrence and assistance thay intend to interteny ane oppin rebellioun within the cuntrey of Lochquhaber, to the encouragement of uther Heyland people to brek louse, and sua to disturb the policie and quiet of the Heylandis. For repressing of whose insolencyis, and reduceing of thame to obedience, ordoure and directioun is gevin in dew and ample forme; bot, becaus the resset, supplie and conforte quhilk fugitives, outlawis and rebellis doeth ressave, pairtlie amangis thair freindis, and pairtlie amangis thair familiaris and acquentance, doeth gritlie encourage thame to persist in thair rebellioun, and doeth frustrat the executioun of suche plottis and courseis as is intendit against thame; and the Lordis of Secrite Counsale finding by good prooffe and experience that nothing is so pouerfull againis traytouris and rebellis as to cut thame schorte of thair ressettis and starting hoillis,—whiche can not be done bot by examplair punishement to be inflictit upoun the saidis ressettaris: thairfore the Lordis of Secrite Counsaill hes resolvit and concludit in most extreame maner to punisch the ressettaris and supplearis of thir rebellis. And, to the effect that no ignorance be pretendit heirof, ordanis letteris to be direct to command, chairge and inhibite all and sindrie his Majesteis leigeis and subjectis, be oppin proclamatioun at all places neidfull, that nane of thame presome nor tak upoun hand to ressett, supplie, and intercommoun with the saidis rebellis, thair wyffis nor bairnis, furneis thame meit, drink, house, harborie, nor na uther thing confortable and necessar unto thame, have intelligence with thame privatlie nor publictlie, directlie nor indirectlie, be worde, wryte nor message, nor sell or furneis unto thame any kynd of victuallis, airmour, poulder or bullet, nor to tak thair goodis and geir in keiping, nor to hyde, hurde and conceill the same, nor to minister unto thame na uther conforte, freindship, supplie nor mantenance, undir quhatsumevir cullour or pretense, undir the pane to be repute, haldin, and estemit as favouraris of thame, assistairis, airt and pertakeris with thame in all thair treasounable and wicked deidis, and thay salbe callit, convenit, persewit and punist thairfore with all rigour and extremitie in example of utheris. And, gif ony of his Majesteis good subjectis doeth stand undir bandis of freindship with the said Allan or ony of his rebellious complices, that thay immediatlie upoun the publicatioun heirof renunce and dischairge the saidis bandis, keep no langer freindship with thame, bot repute and hald thame as thevis, rebellis and traytouris to God, thair prince, and cuntrey. And siklyke to intimat and declair to all his Majesteis leigeis and subjectis that quhatsoevir persone or personis, standing undir the dainger of the lawis for ony capitall cryme not being treasounable, will tak, apprehend, present to justice or slay the said Allan Camroun, that everie suche persone or personis, takaris, apprehendaris or slayairis of him, sall have a frie remissioun and pardoun for all thair bigane offensis, not being treasounable, thay finding cautioun

Acta Oct. 1612–Nov. 1614.

Fol. 80, a.

Acta Oct. 1612–Nov. 1614.

for thair good behavioure in tyme comeing. And, gif ony of Allanes awne company, rebellis with him for the saidis crymes, will tak, apprehend, present to justice or slay the said Allane Camroun of Lochyell, that thay sall have frie remissioun and pardoun in maner foirsaid. And, gif ony

Fol. 80, b.

lauchfull subject who standis not undir the dainger of the lawis will tak, apprehend, present to justice or slay the said Allane or ony of his rebellious complices, that everie suche persone or personis sall have a present rewaird in money thankfullie payit and deliverit to thame, according to the proportioun following: viz., for the taking, exhibitioun, or slaying of the said Allane, thay sall have ane thousand pundis; and for the taking, exhibitioun or slauchter of ather of the saidis Ewne Camroun in Culdoir and Johnne M^{c}Allaster Roy, thay sall have fyve hundreth pundis; and for the taking, exhibitioun, or slauchter of everie one of the utheris rebellis particularlie abonewrittin, thay sall have ane hundreth pundis. Quhilkis soumes of money wilbe thankfullie and dewlie payit unto thame be the said Marques of Huntlie, in whose name promeis is maid to that effect."

Commission of fire and sword and of justiciary to the Marquis of Huntly, the Earl of Enzie, and certain other persons, against Allan Cameron of Lochiel and his fellow-rebels, with mention of some of the special crimes of the said rebels.

"Forsamekle as it is undirstand to the Lordis of Secrite Counsaill that, upoun the penult day of October last bypast, Allane Camroun of Lochyell, Ewne Camroun in Culdore, Allan Dow in Cluishpharny [*here follows a list of names, the same and in the same order as in last Act: ending*—' and

Fol. 81, a.

Gillespik M^{c}Innes Ecorrie in '], wer ordourlie denuncit rebellis, and put to the horne, in default of finding of souirtie for thair compeirance before oure Soverane Lordis Justice and his deputis, to have undirlyne the lawis for the cruell, detestable and schamefull murthour and slauchter of umquhill Johnne Camroun, *alias* Bodache, Allaster Camroun of Glenneves, Ewne M^{c}Coneill V^{c}Ewne Neir, Moriche M^{c}Coneill M^{c}Ilvoriche, M^{c}Ewne V^{c}Coneill V^{c}Ilvoriche, and utheris his Majesteis peciable and good subjectis, to the nomber of twenty tua personis or thairby, and for the treasounable fyre-raising and burning of the housis and barnis pertening to the personis murdreist and slayne be thame, with the haill coirnis, insicht and plenisheing being in the saidis housis and barnis, with the cornis being in the barne yaird, and for the treasounable usurping upoun thame of oure Soverane Lordis royall pouer and auctoritie by taking and detening as presouner for certane dayis of umquhill Ewne M^{c}Coneill V^{c}Ewne, whome in maist barbarous and detestable maner they murdreist and slew, he being presouner, and for the maisterfull thift and stouthreif of aucht hunder ky and oxin, thrie hundreth horsis and meiris, twelf hundreth sheip and gait, with utheris guidis and geir pertening to the personis murdreist and slayne be thame, exceiding the availl of twenty thousand merkis, and for diverse utheris treasounable crymes, transgressionis and offensis committit be thame, at lenth specifeit in the criminall letteris direct, usit and execute aganis thame, as the saidis letteris, dewlie execute, indorsat, and registerit, schawin to the Lordis of Secrite Counsaill, beiris; at the proces quhairof the saidis personis rebellis not onlie maist proudlie and contempnandlie remane as yit unrelaxt, bot, in

fordir contempt of our Soverane Lord and misregaird of law and justice, thay do profes, avow and mantene ane opin rebellioun within the boundis of Badyenach and Lochquhaber, and doeth associat unto thame the haill disordourit thevis, lymmairis, and fugitives of the Heyland, intending, so fer as thair treasounable courseis can prevaill, to disturb and schaik louse the good and peciable estaite of the Heylandis, which now, by his Majesteis singulair cair, wyse and prudent governament, is setled in good quietnes and obedience. For preventing, frustrating, and disapointing of whose treasounable coursis and proceidingis and reduceing of the saidis rebellious thevis and lymmairis to obedience, the Lordis of Secrite Counsale ordanis commissionis to be past and exped heirupoun, undir his Majesteis signet, to George, Marques of Huntlie, George, Erll of Enzie, Alexander Gordoun of Cluny, Alexander Gordoun, fear of Straithdowne, Donald M^cKy, fear of Far, Alexander Gordoun, bruther to the Erll of Sutherland, James Gordoun, younger of Lesmore, Johnne Gordoun of Buckie, Johnne Gordoun of Tullichowdie, and Patrik Gordoun of Kincragy, makand and constituteand thame, conjunctlie and severalie, his Majesteis justices and commissionairis to the effect undirwrittin: Gevand, grantand, and committand to thame, conjunctlie and severalie, full pouer, commissioun and auctoritie, expres bidding and chairge, to convocat his Majesteis leigeis in armes, and to pas, search, seik, hunt, follow and pursew the saidis rebellis with fyre and swerd, quhairevir thay may be apprehendit; and, sa mony of thame as salhappin to be apprehendit, to put, hald, and detene thame in suir firmance and captivetie, ay and quhill justice be ministrat upoun thame conforme to the lawis of this realme: and for this effect courtis of justicearie, at whatsumevir placeis convenient, to set, begin, affix, hald and continew, suittis to mak be callit, absentis to amerchiat, unlawis, amerchiamentis and eschetis of the saidis courtis to ask, lift and raise, and for the samyn, gif neid beis, to poind and distrenyie; and in the same court or courtis suche of the saidis rebellis as salhappin to be apprehendit to call be dittay, to accuse, and thame to the knawlege of ane assyse to putt; and, as thay salhappin to be foundin culpable or innocent, to caus justice be ministrat upoun thame, conforme to the lawis of this realme; assysis neidfull to this effect, ilk persone undir the pane of fourty pundis, to summound, wairne, cheis and caus be sworne; clerkis, servandis, dempstaris, and all utheris officiaris and membiris of court neidfull to mak, creat, substitute and ordane,—for whome the saidis justiceis and commissionaris salbe haldin to answer. And, gif it salhappin the saidis rebellis, or ony of thame, for eschewing of apprehensioun, to flie to strenthis and housis, with power to the saidis commissionaris conjunctlie and severalie to pas, follow and pursew thame, assedge the saidis strenthis and housis, raise fyre and use all kynd of force and weirlyke ingyne that can be had for wyning and recoverie thairof, and apprehending of the saidis rebellis being thairintill. And, gif in persute of the saidis rebellis, thay refuiseing to be taikin, or asseding of the

Acta Oct. 1612–Nov. 1614.

Fol. 81, b.

Fol. 82, a.

Acta Oct. 1612-Nov. 1614.

saidis strenthis and housis, it salhappin the saidis rebellis, or ony of thame, or ony being in company with thame and assisting thame, or within the saidis strenthis and housis, to be hurte, slane, or mutillat, or ony uther inconvenient to follow, the saidis Lordis decernis and declairis that the same sall not be impute as cryme nor offence to the saidis commissionaris nor personis assisting thame in the execution of this commissioun; nor that thay nor nane of thame sall not be callit nor accusit thairfore criminalie nor civilie be ony maner of way in tyme comeing; exonering thame of all pane, cryme, skaith or dainger that they may incur thairthrou for evir be thir presentis. And, for the bettir executioun of this commissioun, with pouer to the saidis commissionaris and justiceis, and personis assisting thame in the executioun of the said commissioun, to beir, weare and use hagbutis and pistolletis in the tyme of thair going fra thair awne housis for his Majesteis service in the executioun of this commissioun, and during the tyme that thay ar in the prosequutioun of the said service, and in thair returning thairfra to thair awne housis, allanerlie: provyding alwyse that thay do not beare, weare nor use the saidis hagbutis and pistolletis aganis ony of his Majesteis lauchfull and good subjectis; utherwyse this present warrand and pouer grantit to thame for beiring and weiring of the saidis hagbutis and pistolletis to be null and of nane availl, force nor effect. And, generallie, all and sindrie utheris thingis requisite and necessar for executioun of this commissioun to do, exerce and use quhilkis of law or consuetude of this realme ar knowne to pertene: ferme and stable halding, and for to hald, all and quhatsumevir thingis salbe lauchfullie done heirin. Chairgeing heirby all his Majesteis leigeis and subjectis to
Fol. 82, b. reverence, acknowledge and obey the saidis commissionairis and justiceis, conjunctlie and severalie, in all thingis tending to the executioun of this commissioun, as thay and ilkane of thame will answer to his Majestie and the saidis Lordis upoun thair obedience at thair heichest chairge and perrell."

The King's Advocate against the Burghs for repayment to Mr Patrick Gordon of the sum of £600 sterling, incurred by him in prosecuting Stercovius, and bringing him to justice, for his libel against the Scottish nation.

Fol. 83, a. "Anent our Soverane Lordis letteris raisit at the instance of Sir Williame Oliphant of Newtoun, knycht, Advocat to our Soverane Lord, for his Majesteis interesse, makand mentioun that quhair his Majesteis eirnist cair to preserve the honnour of this his Majesteis ancient kingdome, and tymelie to divert ony thing whiche might importe the least imputatioun or disgrace of the same, moved his Majestie, evin als sone as his Majestie hard of that infamous libell so maliciouslie writtin be one Stercovius to the grite infamie and disgrace of this haill natioun, to direct Maister Patrik Gordoun, his Heynes agent in these pairtis where the said Stercovius leved, to imploy his best endevoiris, and to omitt no meanes, industrie, or chargeis that might procure the said libell to be recallit, and the authour thairof condignelie punist, having, for the said Mr Patrick his better succes in that busynes, recommendit him by his Majesteis speciall letteris to suche as could do best for him to obtene the satisfactioun of his Majesteis deseynes. Whairin the said Maister Patrik his travellis wes
Fol. 83, b. secundit with suche goode succes as bothe the said libell wes recallit,

and the authour thairof hangit, washeing away by his infamous deathe ony stayne or blott whilk his malicious libell might otherways haif importit, to the perpetuall disgrace of this his Majesteis natioun, especiallie of the Burrowis, whome this mater most neerlie and properlie concernit, in regaird of the grite nomberis of people of that estate who hes thair educatioun, upbringing, trade and handling in these pairtis. Who being movit with the general approbatioun of thair native cuntrey, and apprehending thair awne discredite and appeirand overthraw yf the said infamous booke had not beene suppresst, and the authour thairof punist, thay, be thair petitioun exhibite unto his Majestie, acquentit his Majestie thairwith, and humelie intreatit his Majestie to provyde some course for the persute and punisheing of the said Stercovius; whilk his Majestie did in maner foirsaid. And his Heynes agent, not for ony privat respect or particulair interesse of his awne, but onlie for the honnour of his natioun and obedyence of his Majesteis commandimentis, haveing intentit the foirsaid persute, did in the prosequutioun thairof contract suche soumes of money as behooffit to be imployit in following the same, extending to the soume of sax hundreth pundis sterling or thairby, oblissing him to David Gray, his creditour, borne of Scottis parentis in Prussia, for payment thairof. And, althou the Burrowis of this kingdome, whome this mater cheiflie concernis, and to whose credite and weele the persute of the said actioun cheiflie redoundit, aucht in reasoun to refound the chargeis and expensis bestowit be the said Mr Patrik Gordoun upoun the persute of this actioun, nevirtheles thay refuse to tak ony ordour thairin, nochtwithstanding the severall recommendationis send be his Majestie to thame for that effect; quhairthrou not onlie is the said Mr Patrik Gordoun, and the said David Gray, his creditour, lyke to be frustrat of the soumes advanceit be thame as said is, bot just occasioun wilbe gevin to thame to verifie quhatsomevir the said Stercovius had most fa[l]slie and maliciouslie writtin aganis this natioun, without remeid be providit. And anent the charge gevin to the provestis and baillies of the burrowis underwrittin of this kingdome,—viz.: Edinburgh, Perthe, Dundee, Sterling, Coupar, Arbroithe, Forfar, Brechine, Monros, Sanctandrois, Carraill, Kilrynnie, Anstruther Easter, Anstruther Wester, Pittinweyme, Dysart, Kirkaldy, Kinghorne, Bruntyland, Dunfermylne, Culross, Innerkething, Dunbar, Dunbartane, Lynlythqw, Jedburgh, Selkirk, Lauder, Peblis, Lanerk, Hadingtoun, Glasgow, Renfrew, Ruglen, Irwing and Air,—to haif compeirit, be thame selffis or be thair commissionairis, weele and sufficientlie instructit frome thair townes, this present nynt day of December instant, to have hard and seene thame decernit to mak payment to the said Mr Patrik Gordoun of the foirsaid soume of sax hundreth pundis sterling money, as for the expensis bestowit upoun the persute and prosequutioun of the said actioun be him and attending and awaiting thairupoun, or els to have showne ane reasounable caus quhy the same sould not haif bene done, with certificatioun to thame and thay failyeed the saidis Lordis wald decerne in maner foirsaid, as in the saidis

Acta Oct. 1612–Nov. 1614. Fol. 83, b.

Fol. 84, a.

Acta Oct. 1612-Nov. 1614.

letteris, executionis, and indorsationis thairof at lenthis contenit. The said Sir Williame Oliphant, Advocat to oure Soverane Lord, compeirand personalie, and the commissionaris of the burrowis of Edinburgh, Perth, Dundee, Abirdeyne, Sanctandrois, Striviling, Glasgow, Lynlythgow, Air, Hadingtoun, Coupar in Fyffe, Monros, Brechine, Culrois, Dunbar, Lauder, Selkirk, Peblis, Dunfermelyne, Innerkething, Renfrew, Ruglen, Bruntiland, Kinghorne, Kirkaldy, Dysart, Pittinweyme, Anstruther Easter, Narne, and Annand siclyke compeirand personalie,—who alledgeit that the Lordis of Secreit Counsell can nawayes be judgeis competent to cognosce in this mater, in respect the same is foundit upoun the payment of ane soume of money, and not upoun ane fyne for ony ryott committit be thame, and thairfoir sould be remittit to the judge ordinair,—and forder it wes alledgeit be the saidis commissionaris that the said actioun wes foundit upoun ane impositioun upoun the Burrowis of this realme, beeing ane of the Three Esteatis of this kingdome, without the consent of the saidis Esteatis, whiche could nawayes be done bot be ane generall Conventioun of the same, or be ane Parliament, and that thairfoir the saidis Lordis of Secreit Counsaill could nawayes be judgeis competent in this mater: to the quhilk it wes replyit be the said Sir Williame Oliphant, Advocat to oure Soverane Lord, that the said declinatour sould be repellit, in respect of the libellit summondis, and of the nature of the actioun thairin contenit, and that the soumes acclamed wes for reparatioun of ane indignitie done to the honnour of this cuntrey, and that thairfoir the Previe Counsaill wer judgeis competent thairto: The Lordis of Secreit Counsaill findis and declairis that thay ar nawayes judgeis in the said mater, and thairfoir thay have remittit and remittis the decisioun thairof to the judge competent."

Decreta June 1612-Dec. 1613. Fol. 282, a.

[Sederunt as recorded above.]

Edinburgh, 9th December 1613.

Alexander Gilchrist, locksmith, against the magistrates of Stirling.

Complaint by Alexander Gilchrist, locksmith in Torbreckis, as follows:—In May last, on an ordinary market day, the pursuer repaired to the market to sell some locks. While he was engaged in this way in the market, Thomas Downy, Robert Hendirson, and Johnne Burne, smiths, David M^cBene, "dagmaker," and David Henry and Williame Esplene, "cultelleris," all burgesses of Striveling, came "in oppin mercat" and took from pursuer six of his locks, "with thair keyis." Immediately after, on the same day, Cristopher Alexander, one of the bailies of the burgh, apprehended pursuer and committed him to the Tolbooth till 8 o'clock at night. Since then pursuer has been arrested on several market days by the provost and bailies of the burgh for offering his locks and keys in the market; and they, and Johnne Williamsoun, clerk of court, have "verie presumptuouslie led and deducit ane pretendit proces" against pursuer.—Pursuer appearing personally, and the said Christopher Alexander appearing for himself and for the provost and the other bailies (who denied that there was any such act made by them),

and the said Robert Hendirsoun, David M^cBane, David Henry, and Johnne Burne being also present, but Thomas Downy and Williame Esplene not appearing, the Lords order defenders to desist from troubling pursuer. Decreta June 1612–Dec. 1613. Fol. 282. b.

Caption against Rhynd of Carse at the instance of David Nevey.

Complaint by David Nevey, son and heir of the late David Nevey, burgess of Forfar, that Johnne Rynd of Cars remains unrelaxed from a horning of 23rd July last for not redeeming from him the town and lands of Overlaw, "teynd schavis and pertinentis thairof," and, "in speciall warrandice thairof, all and haill the sonney half of the schadow half toun landis and mains of Cars, teind schavis and pertinentis thairof," by paying to pursuer 2000 merks of principal, and £200 of expenses, as by contract between the said Johnne Rynd, "than fear and now of Cars," and the late David Nevey, dated 17th December 1602.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 283, a.

Caption against Maxwell of Teling and others at the instance of Edward Meiklejohn.

Complaint by Edward Meklejohnne, burgess of Edinburgh, for himself, and as assignee constituted by Archibald Prymrois, writer, that Robert Maxwell of Gairdin remains unrelaxed from a horning of 29th June 1611 for not paying to pursuer £1000 of principal and 200 merks of expenses; also that Hew Maxwell of Teling, and Stevin Currour, fear of Logie, remain unrelaxed from a horning of 10th June last for not paying to pursuer £1000 of principal and 200 merks of expenses; also that the said Stevin Currour remains unrelaxed from a horning of same date for not paying to pursuer as assignee 500 merks of principal and £40 of expenses; also that the said Robert Maxwell remains unrelaxed from a horning of same date for not paying to pursuer £1200, together with 500 merks principal and £200 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords give order against defenders as above. Fol. 283, b.

Richard Kill against the bailies of Edinburgh.

Complaint by Richard Kill, burgess of Edinburgh, that, in November last, Robert Dougall, one of the Bailies of Edinburgh, took pursuer on a charge of "stryking and dinging" William Donaldsoun, tailor in the Cannogait, to the dismemberment of his hand, and committed him to the Tolbooth, "quhair he hes remanit presouner continewalie sensyne." Pursuer protests his innocence, and is willing to undergo trial; but the Bailies will not put him to liberty.—Alexander Peirsoun, Robert Bannatyne, Robert Dougall, and James Dalzell, Bailies of Edinburgh, appearing personally and presenting pursuer, and the said William Donaldsoun not appearing, the Lords order defenders to release pursuer after he has found caution in merks to appear "upoun a fyftene dayis wairning betuix and Pais nixtocum" to answer any complaint concerning the "dismembering" of William Donaldsoun's hand. Fol. 284, b.

Mr. John Hay against Sir Thomas MacLellan of Gelston.

Complaint by Mr. Johnne Hay, "clerk depute of the burgh of Edinburgh," as follows:—At the time when complainer procured from the Lords the gift of the liferent of Sir Thomas M^cClellane of Gelstoun, Fol. 285, a.

Decreta June 1612–Dec. 1613.

"for his relief of the cautionarie and engagement whairin he stood obleist for him and for Sir Williame M^cClellane of Auchlane," complainer, "for testificatioun of the sinceritie of his proceidingis in that busynes, and that nothyng wes craved be him bot for his awne exoneratioun and releif," was content to give band for payment to said Sir Thomas of 500 merks yearly during his lifetime, and to relieve him at the hands of James Cunynghame, burgess of Drumfreis, of some victual and sums of money (specified in the letters of horning raised by said James Cunynghame against him), upon condition that he should renounce in pursuer's favour his liferent of the lands and barony of Twynem, and give pursuer possession of the "tour, fortalice, and maner place of Campstoun." Now, if defender should fail to implement these conditions within six days, pursuer's band (which by the Lords' direction was in the keeping of Mr. William Broun) should be null; and as defender will not fulfil the conditions, although pursuer has lawfully craved him so to do in presence of a notary and witnesses, pursuer prays that the band be transferred from Mr. Broun to pursuer, "to be distroyit or utherwyse usit as he sall think good."—Pursuer appearing personally, and Sir Thomas M^cClellane of Gelstoun and Mr. William Broun being likewise personally present, the Lords order Mr. William Broun to deliver the said band to the Clerk of Council, to be delivered to pursuer. Mr. William Broun accordingly has handed over the band to the said Clerk, who in presence of the Lords has delivered the same to pursuer.

Fol. 285, b.

Order for the release of Andro Ross from Canongate tolbooth.

Complaint by Andro Ros, burgess of Tayne, as follows:—A year ago or thereby, Mr. Johnne Hairt, bailie of the Cannogait, caused pursuer to be apprehended and imprisoned within the "irne house of the tolbuith of the Cannogait," where he has remained "sensyne maist miserablie," having committed no offence, and being a "poore indigent persone, who hes no meanis to interteny him selff in the said prisone."—Mr. Johnne Hairt appearing personally, and presenting pursuer before the Council, the Lords order Mr. Johnne to put pursuer to liberty.

Commissions. Fol. 176, b.

9th December 1613.

Commission to the Archbishop of Glasgow and twelve others for the visitation of the University of Glasgow, and rectification of abuses there.

"Oure Soverane Lord ordanis ane letter to be maid undir the testimoniall of the Grite Seale of Scotland in dew forme makand mentioun:—Whereas nane be ignorant of the benefite quhich does arise to any kingdome or commounwelth by the encrease of learning, whiche hes moved both his Majesteis forebeairis of blessed memorie, kingis of that realme, and also many prelatis, noblemen, and utheris of inferiour rankis maist bountifullie to bestowe for the erecting and founding of colledgeis, or in adding supplie and help to these whiche wer formerlie foundit; bot as experience gevis pruif that, howsoevir thingis may be first satled and appointed for a good end and intent, yit nottheles the want of dew controlment will breed securetie (the moder of idlenes and canker of the Muses): to prevent the grouth quhairof, and of sindrie utheris enormiteis which belike haif had too grite encrease already in the Colledge of Glasgow, his Majestie, holding it fit, necessarie, and expedient that some of good knawledge and experience and weill affected to the encrease of

learning sould haif the chairge, directioun, and commandiement to visite the said Universitie, hes thairfore nominated, appointed, and maid speciall choise of the richt reverend father in God, his Heynes richt trustie and weilbelovit counsallour, Johnne, Archibischop of Glasgow, the richt reverend father[is] in God, James, Bischop of Orknay, William, Bischop of Galloway, and Andro, Bischop of Argyle, his Majesteis richt trustie and weil-beloved counsallour, James, Erll of Abircorne, Hew, Lord of Lowdoun, and Sir William Levingstoun of Kilsyth, knight, oure trustie and weilbeloved counsallours, and his Heynes trustie and weilbeloved Mr. William Scot of Elie, Clerk to the Lordis of the Sessioun, Mr. William Hay, Commissair of Glasgow, Mr. Johnne Bell, Mr. Robert Scott, ministeris of Glasgow, Mr. Williame Birny, persone of Air, and Mr. Archibald Glen, person of Carmannock, or ony sevin of thame, the said Archibischop being alwyse ane of thame; who are to meete and convene at all suche tymes and places as thay sall think expedient: Gevand, grantand, and committand to thame full pouer, libertie, and authoritie, to visite the said Universitie, try the fundationis thairof, and to confer the samyn with the present state and conditioun: and, whereas any abuses or disorderis ar croppen in, to gif order for present amending of the same; to tak cognitioun of the literature of the Principall and Regentis of the Colledge, and how by thair travellis, in regaird of the old age of the Principall and utheris many defectis, the same floorischeis in letteris; to try how the rentis ar used, and whidder thay be converted to publict or privat uses of sic as hes the credite thairof; to try gif the entrie of Regentis and thair admissioun hes bene procured in tyme bypast be brybrie receaved by sic as had pouer thairin; to try gif the poore be receaved burseris, and not sick by brybrie placed as have meanes of thair awne; as lykwyse gif takis and uther securetyis be past to partyis for sowmes of money nowyse converted to the publict use, and gif ony takis be set unkyndlie to otheris than the kyndlie taksmen, to the breache of our peace and drawing of new quarrellis amongst men, contrarie to the custome of the Kirk and cuntrey, lawes and constitutionis of Generall Assembleis; and in particulair to try the complaintis preferred to us by our trustie and weilbelovit servitour[is], Sir George Elphingstoun of Blythswood, knyght, and James Forrest of Burrowfeild, and, gif the same be found conforme to the informatioun maid to us, to sie spedie redres maid thairin and order taikin with the doeris thairof, to the example of otheris; and als to try gif the good and lawdable orderis establisched be us and remanent commissionairis at the last visitatioun be keipit; and to appoint deceint and comelie habites and formes of vesture for the studentis, licentiatis, Regentis, Doctoris, and Governoris of the said Colledge; and generallie to do all and quhatsumevir otheris thingis thay sall think requisite or fitting to be enjoyned or ordeined for causing the estaite of the said Colledge to florische: Commanding heirby all memberis of the said Universitie dewtifullie to obey and obtemper all injunctionis and orderis whiche salbe commandit

Commissions.

Fol. 177, a.

Commissions. and set doun by the Commissionairis foirsaidis in the premisis, as thay will answer to the contrarie at thair perrell. And this his Majesteis commissioun to be extendit in ample forme with all clausis neidfull, and to indure and continew during his Heynes pleasour, ay and quhill the samyn be dischairged. Gevin at Roystoun, the nynt of December 1613. *Sic subscribitur:* Chancellor, Binning, Jo. Prestoun."

Decreta June 1612–Dec. 1613. Fol. 286, a.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Hammiltoun; Mar; Cassillis; Lotheane; Bynning, Secretary; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Sir Petir Young. Edinburgh, 14th December 1613.

Caption against the Earl of Argyle and Campbell of Lundie.

Complaint by Robert Arnot of Fairny, that Archibald, Earl of Ergyle, and Coline Campbell of Lundy, remain unrelaxed from a horning of 8th December instant for not paying to pursuer £4001, 13s. 4d. of principal and £400 of expenses.—Pursuer appearing personally, and defenders not appearing, there is order to the Captain of the Guard to apprehend defenders, seize their houses, and make inventory of their goods for the King's use.

Fol. 286, b. Caption against Alexander Lockhart.

Complaint by Jonet Barclay, relict of Arbrahame Ros, merchant, burgess of Glasgow, that Alexander Lockhart, fear of Cleghorne, remains unrelaxed from a horning of 2nd Janary last for not paying to pursuer 298 merks of principal and £40 of expenses.—Pursuer appearing by Hew Peblis, her procurator, and defender not appearing, there is order against defender as above.

Fol. 287, a. Caption against the Laird of Spott.

Complaint by Johnne Young, sheriff clerk of Edinburgh, that Sir James Douglas of Spott, knight, remains unrelaxed from a horning of 13th January last for not paying to pursuer £80 sterling of principal and £8 sterling of expenses.—Pursuer appearing by Mr David Prymrois, his procurator, and defender not appearing, there is order against defender as above.

Fol. 287, b. The Lord Forbes against William Sinclair.

Complaint by Arthour, Lord Forbes, as follows:—In October last Williame Sinclair, apparent of May, assembled together in the town of Weik the tenants of pursuer's lands and barony of Dunbaith in Cathnes, and commanded them, under the pain of "hanging of thame over thair awne balkis," not to acknowledge pursuer as their master nor to pay their "maillis and dewtyis" to him. Defender has also held courts in pursuer's lands and has given decisions, as if he had been baron. Futhermore, defender has "set takis of some pairt and portioun" of the said lands, especially to William Angussone and Johnne Abirnethie, and thereby intends by "oppressioun and bangastrie" to debar pursuer from his lands, "takand the occasioun sua to do be reasoun of the said Lordis not residence and remaning within the cuntrey of Caithnes."—Both parties appearing personally, the Lords

assoilzie defender from the charge of threats and violence towards the tenants of pursuer, and remit the other points to the judge ordinary. Decreta June 1612–Dec. 1613. Fol. 288, a.

JACOBUS PRYMROIS.[1]

Edinburgh, 16th December 1613.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Hammiltoun; Mar; Glencarne; Cassillis; Lotheane; Bynning, Secretary; Master of Elphingstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsythe; Bruntiland; Medop; Sir Petir Young. Acta Oct. 1612–Nov. 1614. Fol. 82, b.

Proclamation against hunting in Cheviot and certain other parts of the late Borders.

"Forsamekle as the auld custome usit be the inhabitantis of the schirefdomes of Roxburgh and Selkirk, and within the cuntreyis of Liddisdaill and Annandirdaill, to hunt within the boundis of Tyndaill and Riddisdaill and within the fellis of Cheviott and Kidland and pairtis thairabout, to the spoyll of the gayme and distructioun of the woodis and treis growand thairintill, did proceid frome the small accompt that wes maid of the preservatioun thairof, the same being for the tyme the bordouris and limitt betwix the two kingdomes in his Majesteis sacred persone, sua that that whiche wes the bordour is now become the verie middis of bothe: his Majestie being cairfull that all Fol. 82, b. suche disordouris whilkis formarlie wes of custome within the saidis boundis sould be of no langer continewance thairintill, bot that ane uniforme peace sould be observit and keipit amangis his Majesteis subjectis within the saidis boundis, it pleasit his Majestie for this effect to caus diverse actis and proclamationis be maid and publeist dischairgeing all his Majesteis leigeis and subjectis in ony caise to repair to the saidis boundis of Tyndaill and Riddisdaill, the forrest and fellis of Cheviott, Kidland and pairtis thairabout, ather for hunting and spoyle of the gayme within the saidis boundis, or for cutting and distroying of the wodis and growand treis thairintill, as the saidis actis and proclamationis at lenth beiris. And, his Majestie expecting that all dew regaird and obedience sould have bene gevin to the saidis proclamationis, notwithstanding it is of treuth, as his Majestie is informed, that the said auld custome of hunting is yit of continewance within the Fol. 83, a. saidis boundis; whairupoun thair hes bene grite appeiranceis of trouble and utheris inconvenientis lyke to have fallin out betwix his Majesteis subjectis, heichlie to his Majesteis offence and contempt, and

[1] Signature of the Clerk of the Council, indicating the end of a volume of the Register of Decreta.—From this point, 14th December 1613, there is a long gap in the records of the DECRETA, the next of the preserved volumes of the regular Register of DECRETA not beginning till 20th June 1615. The folio volume which contained the Decreta through this interval of one year and a half has been missing, there is proof, for a very long while. It is to be understood, therefore, that the memoranda of the Decreta through those eighteen months which we are able to present in the following pages are taken from such imperfect supplementary MS. authorities in the Register House as THE BOOK OF SEDERUNTS and THE MINUTE BOOK OF PROCESSES. A future footnote will mark the point at which we shall cease to depend on these imperfect substitutes, and shall resume dependence on the preserved Register of the Decreta in full.

Acta Oct. 1612–Nov. 1614. Fol. 83, a.

to the trouble and disquiet of the cuntrey. And, whereas the hoip of ovirsicht and presumptioun of impunitie hes bene the caus of this publict contempt and violatioun of his Majesteis princelie directioun, his Majestie hes thairfore resolvit no longer to ovirsie ony suche offence and contempt in tyme comeing, bot examplarlie to punish the same in the personis of all and everie one who dar persome heirefter to offend and transgres in this poynte; and, to the effect none pretend ignorance heirof, ordanis letteris to be direct to command, chairge and inhibite all and sindrie his Majesteis leigeis and subjectis inhabitantis within the schiref-domes of Roxburgh, Selkirk, Liddisdaill and Annandirdaill, be oppin proclamatioun at the mercat croceis of Edinburgh, Kelso, Hawik, Selkirk, Lochmaben, Annand, and utheris placeis neidfull, that nane of thame presome nor tak upoun hand to repair to the saidis boundis of Tyndaill and Ryddisdaill, the forrest and fellis of Cheviott and Kidland and pairtis thairabout, outher for hunting and spoyle of the gayme or for cutting and distroying of the wodis and growand treis within the saidis boundis, undir the pane of confiscatioun of the haill movable guidis of the persone or personis quhatsumevir contravenairis heirof, and fordir punischement of thame in thair personis at the arbitriement of his Majesteis Counsell."

Sederunts. Fol. 86, b.

"Commissioun to the Justice, Justice Clerk, and Advocate, to examine Helene and Erskynis upoun the practise of poisone ministrat be thame to the tua brethrene of the house of Dyn, and as thay sall find caus to putt thame to tortour." Erskine poisoning case.

"Blackwode and Stanebyris committit to warde for the rape of Weir of Cloburne, and for perjurie." Case of abduction.

"A directioun to the Thesaurair to answer Capitane Wode of ane hundreth pundis sterling, for bying of claithis and making the transporte to Lundone of samony of his company as eschaiped the unhappy misfortune whilk fell in his Majesteis ship, being in nomber lxiij personis, and quhill Mononday nixt to gif to everyone of the best rank amangis thame xij đ. sterling in the day, and to everyone of the inferior sorte viij đ. sterling in the day." Captain Wood and his crew.

Sederunts. Fol. 86, b.

Sederunt — Chancellor; Glasgow; Cassillis; Cranstoun; Binning, Secretary; President; Treasurer Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Sir Robert Ker; Bruntyland; Sir Petir Young; Sir Johnne Arnott. Edinburgh, 21st December 1613.

"The quhilk day George Weir of Stanebyris, compeirand befoir the Counsell did, with all signes and taikynnis of grief and sorrow, acknawledge the oversicht committit be him in not declairing the treuthe of that which wes demandit of him the last Counsell day concerning James Weir of Cars, and he craved God and the Counsell forgifnes.—The Counsall having ha[rd] the said George, thay patt him to libertie, ordaining him to find cautioun to compeir when he salbe callit under the pane of j^{m} merkis." George Weir of Stanebyres.

Sir Andro Ker of Oxnam accepts the office of Commissioner for the Middle Shires.

"The quhilk day, in the presence of the Lords of Secreit Counsaill, compeirit personalie Sir Andro Ker of Oxinhame, knycht, and acceptit upoun him the commissionis whairin his Majestie hes nominat him to be ane of the commissionair[is] for the Middle Shyris, and gaif his oathe." Borders 1603–1643. Fol. 42, b., and Sederunts. Fol. 86, b.

Edinburgh, 23rd December 1613.

Sederunt—St. Androis; Cassillis; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Kilsyith; Bruntyland; Sir Andro Ker; Sir Johnne Arnott. Sederunts. Fol. 87, a.

[No record of proceedings.]

25th December 1613.[1]

Commission for the trial of of Thomas Hairt, charged with murder.

Commission under the Signet, signed by the Chancellor, Jo. Prestoun, and W. Oliphant, to the Provost and Bailies of Striviling, to try Thomas Hairt in Leyth, now in their custody, for the murder of Thomas Binkis, indweller in Queensferrie, with a drawn dirk, on the end of the calsey leading from the burgh to the shore of Striviling. Commissions. Fol. 177, a.

Edinburgh, 8th January 1614.

Charge to William Middlemest, Constable of Dumbarton Castle, to deliver up the Earl of Orkney to such of the Guard as shall be sent to bring him to Edinburgh, and to appear before the Council to answer for disobeying a previous charge to the same effect.

[No record of Sederunt.] Acta Oct. 1612–Nov. 1614. Fol. 84, a.

"Forsamekle as, the Lordis of Secreit Counsaill, upoun some speciall considerationis of his Majesteis service, haveing directit certane of his Majesteis Gaird to the castell of Dunbartane with ane warrand to the constable and keeparis of the said castell for delyverie unto thame of Patrik, Erll of Orknay, to the effect he micht haif bene transportit to this burgh, and the gentilmen of his Majesteis Gaird haveing delyverit the said warrand to Williame Middlemest, constable of the said castell, and earnistlie intreated the said Williame to delyver the said Erll unto thame, the said Williame very disdanefullie and proudlie refuisit to delyver the said Erll unto thame, and thairby hes done quhat in him lyis to frustrat and disapoint suche of his Majesteis affairis and busynes quhairin the said Erll is to be delt with, in heich contempt of his Majestie, and to the neglect of that dewytie whiche the said Williame aucht to his Majestie in the faithfull discharge of that place whilk he haldis of his Majestie: Thairfoir the Lordis of the Secreit Counsaill ordanis letteris to the direct chargeing the said Williame Middlemest to delyver the said Patrik, Erll of Orknay, to suche of his Majesteis Gaird as salbe thair reddy to ressave him, to the effect he may be transportit and broght heir to this burgh, within three houris nixtefter the said Williame beis chargeit thairto, under the pane of rebellioun, &c.; and gif he failyee, to denunce, &c. As alsua chargeing the said William Fol. 84, b.

[1] On the 23rd of December 1613 there had been a Commission under the Great Seal appointing Robert Ker, Earl of Somerset, to the office of Lord High Treasurer of Scotland, vacant since the death of the Earl of Dunbar in January 1611; and three days afterwards, *i.e.* on the 26th of December 1613, Somerset had been married in England, in great state, to his paramour, Lady Frances Howard, late Countess of Essex. See footnote, *ante*, p. 159.

Acta Oct. 1612–Nov. 1614.

to compeir personalie befoir the saidis Lordis upoun the day of to answer upoun his refuisaill to delyver the said Erll, and to underly suche ordour as salbe tane thairanent, under the pane of rebellioun, &c., with certificatioun, &c."

Charge to the lairds of Wishart and Auldbar to answer for threatened breach of the peace.

Understanding that "of lait thair is some cartallis and challangeis for a single combat past betuix Wischeart of that Ilk on the ane part and Lyoun of Auldbar on the other parte," the Lords direct letters to charge both parties, under pain of rebellion, to appear before the Council on the of to answer for the same.

Edinburgh, 11th January 1614.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Lotheane; Binning, Secretary; Blantyre; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Sir Peter Young; Sir Johnne Arnott.

Fol. 85, a.

Proclamation against the reset of John and Donald Calder, and others, at the horn for treasonable fire-raising and other crimes, with offers of reward for their apprehension, dead or alive.

Johnne Calder and Donald Calder, sons of Thomas Calder in Delnie, Allaster Cam M^cRobbie, sometime in Urchnie, Lauchlane M^cLauchlane V^cDonald V^cEan Dow *alias* Clanchattane, and Dowll Sie *alias* Grant in Urquhart, having been denounced and put to the horn on the 13th of July last, at the instance of Coline Campbell of Clunes, and of Sir Williame Oliphant of Newtoun, King's Advocate, "in default of finding of cautioun and souirtie actit in the buikis of adjornall for thair personall compeirance before his Majesteis Justice at ane certane day bigane to have undirlyne the law for the treasonable reasing of fyre, and birning of the hall chalmeris and barnis and scheip coitt biggit be the said Coline upoun his landis of Clunes, and for the barbarous hocheing and slaying of thrie meiris and ane horse pertening to him, and for diverse utheris treasonable crymes committit be the saidis rebellis," and the said rebels remaining still unrelaxed from the said horning, and going about the country publicly, "resset, suppleit, hurdit, keipit, and intertenyit as gif thay wer lauchfull subjectis," the Lords, convinced that not only are they "encourageit to continew in thair rebellioun, and to committ forder insolencyis and villainyis upoun his Majesteis good subjectis, bot with that utheris disordourit thevis and lymmairis, upoun hoip of the lyke ovirsicht, protectioun and mentenance, doeth tak the lyke bauldnes to committ all kynd of iniquitie and mischeif," and that "nothing is so pouerfull and forceable aganis thevis and lymmairis as to cutt thame schorte of thair ressettis and starting hollis," have resolved on the exemplary punishment of the resetters of the said rebels. There is therefore to be proclamation charging all the lieges "that nane of thame presome nor tak upoun hand to resset, supplie, nor intercommoun with the saidis rebellis, furneis thame meete, drink, house, harborie, nor no uther thing confortable unto thame, have intelligence with thame privatlie nor publictlie, directlie nor indirectlie, be worde, wryte, nor message, nor sell or

furneis unto thame any kynd of victuallis, airmour, poulder or bullett, nor to hyde, hurde nor conceill thame, thair goodis nor geir, nor to minister unto thame na uthir conforte, freindship, supplie or mantenance," under the pain of being accounted as art and part with them in their wicked deeds, and of being "callit, convenit and punist thairfore with all rigour and extreamitie, in example of utheris." The proclamation is also to intimate that, if any person or persons standing under the danger of the laws for any capital crime "will tak, apprehend, present to justice, or slay ony of the saidis rebellis," then all such persons found by the Council to be "of equall rank and qualitie with the persone or personis so slane, apprehendit or presentit, and of no hayar rank," shall have a free pardon for "all thair bigane offensis, not being treasounable," on condition of their finding "good suirtie to be answerable and lauchfull subjectis in tyme comeing." Moreover, "quhatsoever persone or personis, being his Majesteis lauchfull subjectis, who will tak, apprehend, present to justice, or slay ony of the saidis rebellis, sall have a present rewaird in money thankfullie payit and deliverit to thame, according to the proportioun following, viz.:—for the taking, apprehending of ather of the saidis Johnne and Donald Calderis sall haif the soume of e ; and for the taking, exhibitioun or slaying of everie one of the utheris rebellis particularlie abonenamit sall have the soume of ; quhilkis soumes of money salbe thankfullie and dewlie payit nnto thame be Johnne Campbell of Caddell." Acta Oct. 1612–Nov. 1614. Fol. 85, b.

Commission of justiciary to the sheriffs of certain shires, the provosts of the burghs in those shires, and three northern lairds, for the pursuit and punishment of the said John and Donald Calder and their fellow-rebels.

As the said Johnne Calder and Donald Calder, sons of Thomas Calder in Delnie, Allaster Cam M^cRobbie, sometime in Urchnie, Lauchlane M^cLauchlane V^cDonald V^eEan Dow *alias* Clanchattane, and Dowle Sie *alias* Grant, in Urquhart, not only remain contemptuously at the horn for the crimes described in last act, "bot also doeth quhat in thame lyis to associat unto thame selffis all suche of the disordourit thevis, lymmairis and fugitives of the Heylandis as thay can forgadder with, intending thairby, how soone thair nomber sall increase to ony reasounable company, than to manteyne ane oppin and avowit rebellioun in the heyland pairtis of this kingdome," the Lords ordain commissions to be passed under his Majesty's signet to the sheriffs of Perth, Forfar, Kincairdin, Abirdene, Banff, Elgin, Forres, Invernes, Cromartie, Caithnes, Ergyle and Tarbett, and their deputes, and to the provosts and bailies of the burghs and towns within the said sheriffdoms, and to Robert Dumbar of Burgie, Johnne Dumbar of Moynes, and George Monro of Tarrell, constituting them conjointly and severally his Majesty's justices for the pursuit and punishment of the said rebels. They are to have full power to convocate the lieges in arms for the purposes of their commission, to use fire and sword for the capture of the rebels, and to exercise all the justiciary rights in their trial, &c., usual in such cases, with the usual indemnity for all that may happen in the lawful discharge of their commission. (See previous similar commission at p. 190, for the pursuit of Cameron of Lochiel and his Fol. 86, a.

Acta Oct. 1612–Nov. 1614.

fellow-rebels, the language of which commission is repeated in this almost *verbatim*.) The present commission is to endure till Michaelmas next.

Commissions. Fol. 186, b.

Licence to the inhabitants and community of the town of Dalkeith to uplift the following tax for the purpose of repairing the bridges north and south of Dalkeith, which are in danger of being carried away by the ice and snow from the heights; which will be a great inconvenience, in respect of the great traffic over them to Edinburgh, and from the same to "all the south pairtis of that our realme of laite callit the Borderis": viz., "of everie cairte that passis be the said briggis or throw ony furde narrest thairto, tua pennyis Scottis, and of everie horse leade that passis the said way, ane penny money foirsaid."—Given at Roystoun 16th January 1614. Signed by the Chancellor, Bynning, Jo: Prestoun, R. Cocburne, Sir W. Oliphant, and A. Drummond. 16th January 1614. Licence to the community of Dalkeith for exacting a toll for the repair of their bridges.

Sederunts. Fol. 87, a.

Sederunt—Chancellor; Bishop of Sanctandrois; Cassillis; Blantyre; Binning, Secretary; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Sir Peter Young; Sir Johnne Arnott. Edinburgh, 18th January 1614.

"The quhilk day, in presence of the Lordis of Secreit Counsaill, compeirit personalie Weir, servant to , and presentit and exhibite befoir the saidis Lordis Hew Weir of Cloburne, and thairupoun askit instrumentis." Hugh Weir of Closeburn.

"The quhilk day it wes thoght meete be the saidis Lordis that the said Hew sould be sequestrat with Thomas Inglis, merchant, burgess of Edinburgh, who was reddy to ressave him; bot, becaus the said Hew refuisit to act him self that he sould not eschaip nor eshew frome the said Thomas Inglis, thairfoir the saidis Lordis ordanit him to be committit to warde in the Tolbuithe of Edinburgh, quhill forder ordour wer tane with him. And the keepair of the Tolbuithe wes commandit to suffer nane to intercommoun with the said Hew without a warrand." Ditto.

Sederunt—Chancellor; St. Androis; Glasgow; Hammiltoun; Cassillis; Bishop of Caithnes; Scone; Blantyre; Binning, Secretary; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Bruntyland; Kilsyith; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott. Edinburgh, 20th January 1614.[1]

"Ane act past in favouris of the burgh of Perth, anent the setting of thair commoun goode in tak for xix yeiris." Burgh of Perth.

[1] On the 20th January 1614, James Melville, the nephew of Andrew Melville, had died at Berwick-on-Tweed, having been for seven years an exile from Scotland on account of his Presbyterian principles. Of the circumstances of his death there is an account in Calderwood, vii. pp. 185–190; where it is noted that Gladstanes, Archbishop of St. Andrews, had recently called him to Edinburgh, "to confer upon the conditions of his home-coming," but that, though he had begun the journey, he had been obliged by his illness to turn back.

Lyon of Auldbar and Wishart of Logie.

"The quhilk day Johnne Lyoun of Auldbar and Johnne Wishert of Logy wer committit to warde within the castell of Edinburgh for the challengeis of combatt past betuix thame, quhairof the letteris wer produceit." Commissions Fol. 178, b.

Taxation.

"Ane act anent the payment of the taxatioun." [See the Act of 25th January.]

20th January 1614.

Licence to Robert Dobie of Stanyhill to go abroad.

Licence under the Signet to Robert Dobie of Stanyhill to remain abroad for three years, without prejudice to his person or property, provided he behave himself as a dutiful subject.—Signed by the Chancellor, Hammiltoun, Glasgow, David, Lord Scone, Bynning, R. Cokburne, and Alexander Hay.

Commission of the Peace for Ayrshire and the Bailiaries of Kyle, Carrick, and Cunningham.

Commission of the Peace for Air and the bailiaries of Kyle, Carrik, and Cunynghame, to the Chancellor, the Earl of Somersait, Treasurer, the Archbishop of Glasgow, the Lords of Privy Council and the Senators of the College of Justice, James, Earl of Glencarne, Johne, Earl of Cassillis, James, Earl of Abircorne, Andro, Lord Stewart of Uchiltrie, Allan, Lord Cathcart, Hew, Lord of Lowdoun, , Lord Semple, Williame Cunynghame of Capringtoun, Campbell of Cesnok, Sir Johne Wallace of Carnell, Craufurd of Cars, Mure of Rowallane, Blair of that ilk, Craufurd of Kilburny, Cunynghame of Robertland, Montgomerie of Hessilheid, Cunynghame of Corshill, Mowat of Busbie, Cathcart of Carletoun, Johnne Cathcart, younger, of Carletoun, of Camlarge, Fergus Kennedy of Knokda, Gilbert Fergusoun of Dalduff, Johne Lokhart of Bar, Johnne Wallace of Dundonald, Johne Fraser of , Josias Stewart of , Thomas Neving of Mondarge, Daniell Cunynghame of Dalkeith, and Gilbert Ros, provost of Mayboill. Signed by the Chancellor.

Edinburgh, 25th January 1614.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Hammiltoun; Cassillis; Bishop of Caithnes; Scone; Blantyre; Binning, Secretary; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Bruntyland; Kilsyithe; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott. Acta Oct. 1612–Nov. 1614. Fol. 87, a.

Act anent the method to be used in charging persons liable to the late taxation who have removed their residence to England, Ireland, or foreign parts.

"The Lordis of Secreit Counsaill understanding that thair is divers personis, of all soirtis and qualityis, subject to the payment of his Majesteis taxatiounis, who hes removit thame selffis oute of this kingdome, and hes had thair ordinair residence this yeir bigane, some in England, some in Yrland and otheris pairtis beyond sea, quhairthrou the collectour of his Majesteis lait taxatioun, his deputis, and officiaris can gif no lauchfull executioun aganis thame, they haveand no warrand to charge the saidis personis upoun lx dayis wairning: For remeid whairof the saidis Lordis ordanis the collectour of the foirsaid laite taxatioun, his deputis and officiaris, to charge the foirsaidis personis at thair dwelling housis, incaise thay haif housis and famileis in this kingdome, and at the mercat croce of the burgh of Edinburgh, peir and schoir of Leythe, and at the mercat croceis of the heade burrowis of the shyris whair the

Acta Oct. 1612–Nov. 1614.

saidis personis housis and famileis ar, and, incaise thay haif no housis nor famileis in this kingdome, to charge thame at the mercatt croceis of the heade burrowis of the shyres quhair thair housis and famileis war last setled, and quhair thay had thair last residence, to mak payment of

Fol. 87, b.

thair pairtis of the first termes payment of the same taxatioun, and of the other three termes payment thairof yitt to come, within threescoir dayis nixtefter the charge, under the pane of rebellioun, and putting of thame to oure Soverane Lordis horne; quhilk charge to be gevin in maner abonewrittin, and horning following thairupoun, the saidis Lordis decernis and declairis to be als valide and sufficient as yf the personis aganis whome the same salbe usit had bene chargeit personallie, apprehendit within this kingdome; provyding that no executioun of hoirning be usit againis thame for the secund, thrid, and fourte termes payment of the same taxatioun yitt to come till the terme for which thay salhappin to be chargeit be first past."

Warrant to the Magistrates of Edinburgh and the Canongate for the apprehension of James Stewart, called of Jerusalem, who is still lurking at home notwithstanding the sentence of banishment pronounced upon him for Popish practices.

"Forsamekle as, James Steuart, callit of Hierusalame, being convict, in ane justice courte haldin within the Tolbuithe of Edinburgh, for heiring of messe, and dome and sentence being pronunceit aganis him for that caus, ordaning him to be banisheit his Majesteis dominionis, and to depairt furthe thairof at ane certane day now bigane, nevirtheles he still remanis within this kingdome, and, as the Lordis of Secreit Counsaill ar informit, he is busie practizing aganis the trew religioun presentlie professit within this realme, in heich contempt of oure Soverane Lord his auctoritie and lawis: thairfoir the saidis Lordis ordanis the Provest and Baillies of Edinburgh and the Cannogait to pas, searche, seik and tak the said James, quhairevir he may be apprehendit within thair boundis and jurisdictioun, and to putt, hald and detene him in sure firmance and captivitie, ay and quhill the saidis Lordis tak forder ordour anent his punishement as apperteynis, as the saidis Provest and Baillies will answer to the saidis Lordis upoun thair office and obedyence."[1]

Commissions. Fol. 178, a.

25th January 1614. Commission for the trial of Adam Mylne for murder.

Commission under the Signet, signed by the Chancellor, Hammiltoun, St. Androis, Cassillis, David, Lord Scone, and Bynning, to Sir James Douglas of Spot, knight, Sheriff of Haddingtoun, and the provost and bailies of Haddingtoun, to try Adam Mylne, servitor to Hammiltoun of Innerweik, who was delivered into the said sheriff's hands by the said laird of Innerweik for the murder of Robert Wood, servitor to the said laird.

Sederunts. Fol. 87, b.

25th January 1614.

Sederunt—Chancellor; St. Androis; Glasgow; Hammiltoun; Cassillis; Bishop of Caithnes; Scone; Blantyre; Cranstoun; Binning, Secretary; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Bruntyland; Sir Peter Young; Sir Johnne Arnott; M^r^ George Young.

[This list differs in some respects from that under the same date in the *Acta*. It may be the Sederunt of a *post meridiem* meeting. There is, however, no record of proceedings.]

[1] See *ante*, p. 118, and p. 126 with footnote.

27th January 1614.

Sederunt—Chancellor; St. Androis; Glasgow; Hammiltoun; Cassillis; Lotheane; Bishop of Caithnes; Scone; Blantyre; Binning, Secretary; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Bruntyland; Sir Johnne Arnott. Sederunts. Fol. 87, b.

Captain Wood. "Ane missive to the Admirall of England anent the moneyis advanceit to Capitane Woode."

Robert and Andrew Fletcher of Dundee. "The burgh of Dundee being hard, bothe be thair commissionaris and be write, upoun the letter send doun frome his Majestie in favouris of Robert and Andro Flesheouris, anent the abrogating of the actis of Counsaill standing aganis thame wherby thay wer confyned and declairit incapable of publict office within the said burgh, and his Majesteis Counsaill being advisit with all that wes writtin and spokin for the said burgh in that mater, thay find it not meete nor expedient to louse or dischairge ony actis wherby the peace of the said burgh hes bene conservit thir divers yeiris bigane quhill first Robert Flesheour be his goode behaviour move the toun to be intreataris for him: and ordanis the Lord Secretair to acquent his Majestie heirwith."

Commission for the apprehension of Thomas Lyon. Commission under the Signet, signed by the Chancellor, Sanctandrois, Glasgow, David, Lord Scone, and Binning, to Johne Wishert of that Ilk, to apprehend and present before the Council Thomas Lyoun, brother of Lyoun of Bagillie, for not appearing to answer for his breaking of the tolbooth of Brechin and releasing Thomas Johnnstoun, who was in prison for his misconduct towards the Bishop of Brechin. Commissions. Fol. 179, a.

Edinburgh, 1st February 1614.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Cassillis; Bishop of Caithnes; Blantyre; Binning, Secretary; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Bruntyland; Sir Andro Ker; Kilsyith; Medop; Sir Peter Young; M^r^ G. Young. Sedurunts. Fol. 88, a.

Earl of Orkney. "The Erll of Orknay, being personalie present, tooke the last of this moneth betuix and whiche tyme he wald be advisit with his freindis anent the propositioun maid to him tuicheing his renunciatioun of his rycht to the legall reversioun of the Erldome of Orknay, and of all uther rycht and title that he may pretend to that Erldome, upoun honnorable and goode conditionis to be maid to him for the same."

Licence to Gordon of Gicht to go abroad for life. Licence under the Signet to Gordoun of Geycht to go abroad and to remain there "during all the dayis of his lyftyme," without skaith to his person or property, provided he attempt nothing against the King or the present religion. Signed by the Chancellor, St. Androis, Glasgow, Cassillis, Blantyre, Binning, and Alexander Hay. Commissions. Fol. 179, a.

edurunts. ol. 88, a.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Cassillis; Lotheane; Bishop of Caithnes; Blantyre; Binning, Secretary; President; Privy Seal; Master of Elphinstoun; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Sir Andro Ker; Bruntyland; Medop; Sir Peter Young; Sir Johnne Arnott; M^r^ George Young. 3rd February 1614.

"The Lordis nominatis his Majesteis Advocat, Kilsyithe, and Medop, with M^r^ Alexander King, to see the proces persewit be Williame Weymis in Glasgow befoir the Courte of Parliament at Pareis, with the decreit and sentence gevin in the said Courte aganis the said Williame, and to reporte the estate of the said proces to the saidis Lordis, quhairthrow accordinglie his Majestie may be acquentit thairwith." Suit of William Wemyss in a French Court.

Acta Oct. 1612–Nov. 1614. Fol. 87, b.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Bishop of Caithness; Scone; Binning, Secretary; Blantyre; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Kilsyithe; Bruntyland; Medop; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott; M^r^ George Young. Edinburgh, 8th February 1614.

Fol. 88, a.

"The Lordis of Secreit Counsaill, according to ane warrand and direction in wryte signed be the Kingis Majestie and presentit this day unto thame, superseidis the entrie of the Erll of Suthirland in warde within the citie of Sanctandrois [*ante*, p. 169] till the xx day of Aprile nixttocome." Act in favour of the Earl of Sutherland, postponing the day prescribed for his sequestration of himself in the city of St. Andrews.

"His Majesteis missive and warrand for the act abonewrittin:—Right trustie and weilbelovit cosine and counsellour, and trustie and weilbelovit counsellouris, we greete you weele. Whereas we wer pleasit that the Erll of Suthirland sould be confyned to Sanctandrois, and enter him self thair at a prefixt day, it hes of laite bene showne unto us in the behalf of the said Erll that, in regaird of certane his privat affairis at home, whilkis necessarlie requiris his personall presence, as alsua that the wedder has bene and is so evill in the northe pairtis of that oure kingdome as hardlie can ony man travell, it wilbe a mater of grite difficultie and almost impossibillitye in him to keepe the tyme appointit; and thairfoir we haif thoght goode to signifie unto you that we ar weele pleasit to superseid the said Erll his entrie in the said towne of Sanctandrois till the xx day of Aprile nixtocome, agane whilk tyme he may sufficientlie dispose of his privat affairis, and the wedder will affoorde tolerable travell. And so we bid you fairweele. At oure manour of Theobaldis, the last of Januair, 1614."

As, notwithstanding previous acts and proclamations "prohibiting and dischargeing the selling of Inglis beir darrer nor xviij đ. the pynte, under certane panes," yet now "the said Inglyse beir is commounlie sould at xxxij đ. the pynte, the ventenair and rynnair of the beir pretending Proclamation regulating that the wholesale price of English beer imported into

Scotland shall not be more than £6 a bune, so that there may be no more evasion of the previous regulation that the retail price of such beer shall not exceed 18d. a pint.

thair excuse that thay buy the same at suche a heich rate and pryce fra the mercheantis as thay may not vent nor sell the same at ane lawer pryce nor xxxij ₰," by this means "the derthe of the said beir is fosterit and intertenyit, and the saidis actis and proclamationis misregairdit and contempnit, to the grite hurte and prejudice of the commoun weele, and aganis the policie of all weele governit commounwelthes, that ony foreyne commodityis sould be sauld at ane heichair raite and pryce nor the native commodityis of the cuntrey," the Lords ordain charge to be given by open proclamation at all places needful, prohibiting "all and sindrie the maircheantis hamebringaris of beir within this kingdome," to sell any English beer at a higher rate than "sax pundis the bune," so that "the ventenair and rynnair of the said beir may accordinglie vent and ryne the same at xviij ₰. the pynte,"—the penalty to be "xx ℔. to be incurrit be the maircheant hamebringair of the said Inglis beir for everie bune that thay salhappin to sell darrer nor sax pundis,—the ane half of the said pane to the Kingis Majestie, and the other half to the reveillair." The tacksmen of the Customs, by themselves or their deputies, are to "tak cautioun and souirtie of the maircheantis hamebringaris of Inglis beir, afore thay ressave the entrie of thair shippis, merchandise and goodis, that thay sall sell everye bune of thair said beir for sax pundis, under the pane foirsaid of xx ℔. to be incurrit be thame for everie bune that they sall sell at ane heichair pryce"; and all magistrates to burgh and land are to assist the said tacksmen in receiving the said caution. Acta Oct. 1612–Nov. 1614. Fol. 88, b.

Charge to Sir John Wood of Fettercairn and Stratoun of Lauriston in the matter of a feud between them as to their respective rights to certain desks and pews in the kirk of Fettercairn.

As there is "some variance and contraversie" between Sir Johnne Wode of Fettircairne and Stratoun, fiar of Louriestoun, "anent the removeing, dimolissing and breking doun of some daskis and seatis pertening to ather of thame within the kirk of Fettircairne," the Lords ordain charge to be given to both the said parties "to find cautioun and souertie actit in the bookis of Secreit Counsell that thay for thame selffis, and takand the burding on thame for all whome thay ar oblist to answer for be the lawis, and whome thay may stop or latt, sall observe oure Soverane Lordis peace, keepe goode reule and quietnes in the cuntrey, and that thay nor name of thame, nor na otheris of thair causing, sending, houndiug oute, command, ressett, assistance, and ratihabitioun, sall invade nor persew one another, nor thair men, tennentis nor servandis, for quhatsomevir deid, caus or occasioun, utherwayes nor be ordour of law and justice, ather of thame under the pane of v^{m} merkis; as alsua that thay nor nane of thame, nor thair famileis, sall not repair to the kirk of Fettircairne, for heiring of the worde nor otherwayes, upoun quhatsomevir pretext, quhill the variance and contraversie standing amangis thame be setled, and that thay be licenced be the Lordis of Secreit Counsaill to that effect, ather of thame under the said pane, and that thay find the said cautioun actit in maner foirsaid within sax dayis nixtefter the charge, under the pane of rebellioun." Fol. 89, a.

Commission for the trial at

Commission under the Signet, signed by the Chancellor, St. Androis, Glasgow, David, Lord Scone, and Blantyre, is given to the Sheriff of Commissions. Fol. 179, b.

ommissions.

Invernes and his deputies to try Allane M^cAllaster V^cAngus in Kilchoane in Knoydort, Allaster M^cAllaster, his brother, there, Donald M^cAngus, M^cAllan in Sandok, Ronnald M^cAngus M^cAllan and Angus M^cAngus, his brothers, there, Alexander Oig in Innergizeran, Ronnald Roy in Ardinsleitherache, Angus M^cAllan Roy in Crobling, Alexander M^cAllan Roy, his brother, in Knoydort, Johne M^cRorie there, and Duncane M^cRorie, his son, there, against whom a commission was passed to the Tutor of Kintaill and others. The commissioners have already arrested the said Allan M^cAllaster V^cAngus, and Allaster M^cAllaster, his brother, and have committed them to ward within the tolbooth of Invernes. The commissioners intended to bring them to Edinburgh in accordance with the order given to them, but it has been thought wise to keep them there, as the broken men of the Clanchamroun are resolved to resist the transport of the prisoners to the south. They cannot be brought without a large guard, which "wilbe troublesome and chairgeable to the cuntrey." When the other rebels have been apprehended they are to be tried there also.

Inverness of Allan M^cAllaster V^cAngus an others, apprehended or to be apprehended by the Tutor of Kintail and others.

ol. 180, a.

ederunts, ol. 88, b.

Sederunt—Chancellor; St. Androis; Scone; Binning, Secretary; Blantyre; Bishop of Caithnes; President; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Treasurer Depute; Master of Elphinstoun; Bruntyland; Medop; Sir Andro Ker; Sir Johnne Arnott; Mr George Young.

Edinburgh, 10th February 1614.

"The quhilk day the Laird of Blaikwode wes decernit in a fyne of ij^m li., for the awaytaking of Weir of Cloburne."

Laird of Blackwood.

ommissions. ol. 180, a.

Commission under the Signet, signed by the Chancellor, Bynning, Jo: Prestoun, Alexander Hay, and G. Murray, to the Captain and Lieutenant of the Guard to apprehend and exhibit before the Council Patrik, Lord Sinclair, for remaining at the horn for certain debts, and for his refusal to appear to answer the charge of violently oppressing sundry good subjects both in person and goods. The provosts and bailies of Bruntiland, Kinghorne, Kirkaldy, and Dysert are specially charged to assist in the execution of the commission.

10th February 1614. Commission for the apprehension of Lord Sinclair.

ederunts. ol. 88, b.

Sederunt—Chancellor; Lotheane; Bishop of Caithnes; Binning; Blantyre; President; Treasurer Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Master of Elphinstoun; Kilsyithe; Bruntyland; Medop; Sir Peter Young; Sir Johnne Arnott; Mr. George Young.

Edinburgh, 15th February 1614.

"Ane act anent the sinking of irnis for prenting of 2d. peeceis."

Coinage.

ommissions. ol. 180, b.

Commission under the Signet, signed by the Chancellor, Lothiane, Blantyre, Binning, Jo: Prestoun, and Alexander Hay, to Johnne, Earl of Mar, and Thomas Inglis of Eistscheile, to try Inglis in , a common thief, who was apprehended this month with a "naig" stolen

Commission for the trial of one Inglis, a common thief.

by him from George Wilsoun in Cormestoun, and was handed over to the said Thomas Inglis, bailie to Johnne, Earl of Mar, on the lands and barony of Carnewath. Commissions

Edinburgh, 17th February 1614.

Sederunt—Chancellor; Binning, Secretary; Blantyre; Cranstoun; Bishop of Caithnes; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medop; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott. Sederunts. Fol. 88, b.

Allan Mac-Eanduy.

"Ane missive writtin to the Marques of Huntlie in favouris of Allane M^{c}Eanduy V^{c}Allaster and his brether."

Commission for the apprehension of John Wallace, now in Ireland, and living by thieving visits to Galloway and Nithsdale.

Commission under the Signet, signed by the Chancellor, Cathnes, Blantyre, W. Cranstoun, Alexander, Master of Elphinstoun, Jo: Prestoun, and Alexander Hay, to the Sheriff of Wigtoun and Steward of Kirkcudbricht and their deputies, and to Alexander, Lord Garleis, to cause the ferries between Ireland and Scotland to be watched for Johnne Wallace, sometime in Kirkmaho, who was excommunicated for his slanderous life and disobedience to the Kirk, and who is now in Ireland, living as a common thief and a "horse steillair out of the cuntrey of Galloway and Nithisdaill, quhair formarlie he maid his residence," and with which he is well acquainted "in all the pairtis, wayis and passageis of that cuntrey, and with the ferryis and places of transporte on ather coast": and to apprehend him and bring him to justice. Commissions Fol. 181, b.

Edinburgh, 22nd February 1614.

Sederunt—Chancellor; Ergyll; Lotheane; Bishop of Caithnes; Binning, Secretary; Blantyre; Master of Elphinstoun; President; Treasurer Depute; Justice Clerk; Advocate; Kilsyith; Bruntyland; Medop; Sir Andro Ker; Sir Johnne Arnott; Sir Johnne Skene. Sederunts. Fol. 88, b.

Sir John Skene.

"Ane missive from his Majestie in favouris of Sir Johnne Skeene."

Edinburgh, 24th February 1614.

Sederunt—Chancellor; Lotheane; Binning; Blantyre; Bishop of Caithnes; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medop; Sir Johnne Skeene; Sir Andro Ker; Sir Johnne Arnot. Acta Oct. 1612–Nov. 1614. Fol. 89, a.

Readmission of Sir John Skene of Curriehill to the Council.

"The Lordis of Secreit Counsaill, according to ane warrand and directioun in wryte signed be his Majestie, hes of new ressavit and admittit Sir Johnne Skeene of Curryhill to his place in Counsell, to be injoyed be him during his lyftyme als freelie as he hes done at ony tyme heirtofoir." [1]

[1] This re-appearance of old Sir John Skene of Curriehill in the Council is rather unexpected. Our last sight of him was in May 1612, when he retired from public life in disgust at the manner in which he had been entrapped, by the mismanagement of his son, into a resignation of his office of the Clerkship of Register, and had seen that

Acta Oct. 1612–Nov. 1614.

"Forsamekle as directioun is gevin to the schireff of Wigtown and his deputis to caus attendance be gevin at the portis and ferryis upoun the coast towardis Yrland, for apprehending of suche personis as in thifteous maner travellis to and fra Yrland, transporting the goodis stollin be thame furthe of the ane cuntrie to the uther, thairfoir the Lordis of Secreit Counsaill ordanis and commandis the provest and baillies of Wigtoun to ressave fra the said schireff and his deputis all suche of the saidis personis as salbe presentit unto thame be the said schireff and his deputis, and to committ thame to warde in thair tolbuithe, keepe and detene thame thairintill upoun thair awne expensis, and quhill ordour be tane for thair tryall and punishement as apperteynis, as the saidis provest and baillies will answer upoun thair obedyence at thair heichest perrell." Order to the magistrates of Wigtown to receive and keep in ward such traffickers in stolen goods between Scotland and Ireland as may be arrested by the sheriff of Wigtown.

Commissions. Fol. 182, a.

Commission of the peace for Lanrik to the Chancellor, the Earl of Somersait, Treasurer, the Archbishop of Glasgow, the Lords of Privy Council and the Senators of the College of Justice, James, Marquess of Hammiltoun, William, Earl of Angus, Johne, Earl of Mar, Johne, Earl of Wigtoun, Waltir, Lord Blantyre, Sir Archibald Stirling of Keir, knight, Sir James Maxwell of Calderwod, Sir Waltir Stewart of Minto, Sir Johne Hammiltoun of Lettrik, Sir Robert Hammiltoun of Goslintoun, Allan Lokhart of Cleghorne, Alexander Lindsay of Dunrod, Johne Lindsay of Covintoun, William Baillie of Lamyngtoun, Somervell of Cambusnethame, Sir Claud Hamiltoun, knight, Sir Archibald Stewart of Castellmylk, Sir George Elphinstoun of Blythiswood, knight, Sir Robert Cunynghame of Gilbertfeild, Sir Robert Dalzell of that Ilk, Robert Hammiltoun of Torrens, Gawin Hammiltoun of Roploche, James Mureheid of Laichop, Mureheid, his son, Johne Kneland of Forskane, Waltir Carmichaell of Park, Hammiltoun of Lekprevik, Mr James Hammiltoun, commissary of Lanark, Johne Symentoun of that Ilk, Mathew Baillie of Litlegill, Sir James Kneland of Monkland, and William Bannatyne of Corhous.—Signed by the Chancellor, Bynning, Jo: Prestoun, and Alexander Hay. Commission of the Peace for Lanarkshire.

Sederunts. Fol. 89, a.

"Ane warrand past to the Provest and Baillies of Edinburgh to ressave Johnne M^{c}Ghie in warde." John M^{c}Ghie.

"Ane act past in favouris of the Laird of Lochinvar dischargeing him of the soume of x^{m} merkis incurrit be him as cautioner for Williame Douglas, sometyme of Lynclowden." Laird of Lochinvar.

office transferred to Sir Thomas Hamilton. See the story in Vol. IX., Introd. pp. xiii–xiv, and footnote, p. 369. From words of Spotswood, there cited, it seemed as if the old jurist never held up his head again after that disappointment, but died at once of chagrin. This is distinctly the construction put upon Spotswood's words in the article on Sir John Skene in Brunton and Haig's *Senators of the College of Justice*. "Which so incensed the old man," says that article, alluding to the mischance of the loss of his office, "that he died a few days afterwards of vexation." Yet here he is, in February 1614, nearly two years after that mishap, restored to his place in the Privy Council, and actually resuming his attendance in the sederunts. Spotswood, who, as the daily colleague of Skene at the Council Board, ought to have been accurate in such matters, either expressed himself clumsily in his account of it, or had forgotten the particulars by the time he wrote the account.

The *Minute Book of Processes* gives the following memoranda collectively for the month of February 1614:— Minute Book.

Rebellione: Alexander Miller against Sir Francis Wauchop.
Petitione: Georg Weir to be putt to liberty.
Imprisonment: William Young against Johnne Watson.
Protestatione: Louristoun against Sir Johne Wood.
Ryott: Walter Scott against Richard Smith.
Protestation: William Sinclar against the Advocatt.
Ryott: Duff against Weir.
Rebellion: Thesaurer Depute against John Grant.
Suspensioun lawburrowis: Richard Irwing against the Lord Hereis.
Ryott and imprisonment: James Anderson against William Dumbar.
Ryott: Hew Stewart against Thomas M^{c}Knab.
Rebellion: Francis Scott against Robert Stewart.
Precognition against Stratoun of Louristoun and Fettercairn.
Rebellion: William Rae against Johne and Gilbert Rynd.
Proces: Advocatt against Cristopher Mowatt and Johne Lesly for invading on another betuixt Leith and Edinburgh.
Rebellion: Peter Blak against M^{r} Johne Aikman.
Protestatioun: M^{r} William Campbell against Kenoch Pyper [pyper?], &c.
Proces against the Lord Madertie for produceing of Camroun of Lochyell befor the Counsell.
Oppression: Sir Thomas Penriddok against Robert Sinclar, &c.
Rebellion: Archibald Douglas against Johne Jardin.
Rebellion: Jonet Geddes against James Crichtoun.
Rebellion: Thomas Carmichaell against Sir Hary Lindsay.
Rebellion: Sir Johne Vaus against William Adair.
Rebellion: Martin Glendoning against Carrutheris.
Ryott: Thomas Angus against William Sinclar.
Petition: Duncan M^{c}Intosh against Johne Campbell, to be putt to liberty.
Ryott: William Sinclar against Johne Angus.
Deforcment: Thomas M^{c}Nab against James Love, &c.
Suspensioun lawburrowis: Johne M^{c}Farlan against James Calquhon, &c.
Proces: Advocatt against Patrick Abercrombie for resetting Jesuit preistis.
Rebellion: Robert Johnstoun against Andro Ker.
Rebellion: Johne Spence against Commendatour of Melrosse.
Rebellion: M^{r} William Drumond against William Callandar.
Rebellion: Johne Dumbar against Johne Gowne.
Ryott: Thomas Low against M^{r} James Stewart.
Convocatione and wearing of pistollettis: Stewart of Killith against Stewart of Gramsey.
Proces for stealing of bees: Johne Baxter against Adam Thomsone.
Rebellion: Thomas Paterson against Dam Euphime Douglas.

Minute Book.

Rebellion: Alexander Denistoun against Johne Ballanden.

Ryott: Gilbert Murray against Francis Wilkisone.

Letteris: Advocat against Martin Wallace and otheris for transporting of tallon.

Proces: Advocatt against Dumbar of Hempriges for wearing pistollettis, &c.

Ryott and oppression: David Somerval against George Moncreif.

Ryott: Walter Dott against the Earle of Craufurd.

Petitione: Captan Balfour to be sett to liberty.

Petitione: Sir Robert Gordon for obteaning ane discharge of 10,000 ℔. of faylie incurred be him throw Robert Douglas his return to this realme: granted be the King. Ratified.

Proces: Advocatt against certane mercheandis for importing and selling Inglish bear dearer than 6 ℔. the tun.

Circumvention; Margaret Weir against Duncan Craufurd.

Supplication: Earle Argyle against Johne Grant for exhibitione of Johne Rory.

Act ordaining the baylies of Wigtoun to receave fra the schireff thairof all such persones as shall be presented be him upon suspition of theft.

Rebellion: James Pringill against Walter Cairncroce.

Commission to apprehend Angus and Hucheon Murayes, slayeouris of Donald Angus Garson, rebellis.

Acta Oct. 1612–Nov. 1614.
Fol. 89, a.

Sederunt—Chancellor; Glencarne; Binning, Secretary; Blantyre; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocat; Kilsyth; Bruntiland; Medop; Sir Andro Ker; Sir Johnne Skeene; Sir Johnne Arnote. Edinburgh, 1st March 1614.

Fol. 89, b.

Act for the coining of 300 stone weight of copper in penny and two-penny pieces, to remedy the present deficiency of small coins.

"Forsamekle as it is undirstand to the Kingis Majestie and Lordis of his Secrite Counsale that thair is a verie grite scairstie of small money, especiallie of pennyis, now current within this kingdome, whairthrow not onlie is the intercourse and chainge of pennyworthis and utheris small commodityis vendible amangis his Majesteis subjectis ar now, through default of the said small money verie fer prejudgit of thair almous;[1] and his Majestie being movit with pitie and commiseratioun of the poore, without ony kynd of respect or consideratioun of his Majesteis awne proffeit, quhairwith his Majestie in this cais will dispence: thairfore his Majestie, with advise of the Lordis of his Secrite Counsale, hes thoght meete, concludit and ordanit, that thair salbe three hundreth stane weght of copper, unmixt with ony uther kynd of mettaill, wroght and forgeit in ane mylne, and cuttit in a cutir, and be the said mylne and cutir maid reddy for the prenting, after the accustomat forme of his Majesteis cunziehouse, with pyle and tursell,—quhairthrow the same be

[1] Some words have evidently been omitted in the MS.

not counterfoote,—in penny and twa penny peceis; quhairof twelf and ane half of the said twa penny peceis to be in ane unce weght, and fyve score of the saidis tua penny peceis to be in the mark weght with tua of the saidis peeceis of remeid of weght, alsweill havie as licht, on the mark weght thairof; and twenty fyve of the saidis pennyis to be in ane unce weght, and ten score of the saidis penny peeceis to be in the mark weght with foure of the saidis peceis of remeid of weght, alsweill havie as lycht, on the mark weght thairof; the saidis peeceis haveand on the ane syde thrie thrissillis on ane stak, with ane thrissill leafe on ilk syde of the said stalk at the fute thairof, all contenit within the inner ring, with this circumscriptioun, JACOBUS. DEI. GRA. MAG. BRIT., and on the uther syde ane lyoun crownit, with tua titlis a litle distant frome the lyonis taill on the saidis tua penny peceis, and ane title at the same pairt on the saidis penny peceis, for the bettir decerning of the saidis penny peeceis frome the tua penny peeceis, with this circumscriptioun FRANCLÆ ET HIBERNIÆ REX; and that the same peeceis have course amangis his Majesteis subjectis for pennyis and tua pennyis, with this speciall provisioun and conditioun, that nane of his Majesteis subjectis salbe astrictit to ressave of the saidis copper coyne abone the value of sex pennyis in ilk pund in payment of debtis or othir blockis, wairis or merchandice: Commanding heirby the maister cunzeour, wardane, counter wardane and sincker, to proceid to the forgeing, working and prenting of the same, and that in everie stane weght thairof thair be ane pund coyned in penny peeceis, as thay will answer upoun the dewtie of thair officeis; and that letteris be direct to mak publicatioun heirof, be oppin proclamatioun at the mercat croce of Edinburgh and utheris placeis neidfull, quhairthrou nane pretend ignorance of the same, and to command and chairge all and sindrie his Majesteis subjectis to ressave the saidis copper peeceis in payment of debtis, blokis, wairis and merchandice in maner foirsaid, and onnawyse to refuse the same, upoun quhatsumevir cullour or pretence, undir the pane of tressoun."

Acta Oct. 1612-Nov. 1614.

Fol. 90, a.

Order, in connexion with the preceding Act, to Charles Dickieson, sinker of the irons in the Cunyie House.

In conformity with the preceding Act, his Majesty, with the advice of the Council, "ordanis and commandis Chairlis Dickesoun, goldsmyth, sincker of the yrnis of his Majesteis cunzie in Scotland, to mak and forme matricesis with all diligence for sincking of pyleis and turseileis for prenting of the saidis penny and tua penny peeceis of copper, haveand on the ane syde," &c. [*description quoted in detail from the preceding Act.*] "Quhairanent the Extract of thir presentis salbe unto the said sincker ane sufficient warrand."

His Majesty's warrant for the two preceding Acts.

"Followis his Majesteis warrand for the twa actis abonewrittin:—

"Right trustie and richt weilbelovit cosen and counsallour, and richt trustie and weilbelovit counsallouris, we grite you weele:—Whereas it heth bene diverse tymes compleyned unto [us] that, for laik of small money current in that oure kingdome, nather can sufficient exchange for other money in meane barganes be had, nather yit suche small peeceis for almous to the poore as the cheritie of most men mycht afoorde,—it is

Fol. 90, b.

Acta Oct. 1612–Nov. 1614.

thairfore oure pleasoure that ye call before you the cheif officeairis of oure minte, and, haveing by thame sufficientlie informed your selffis of the ordour takin for coyning of the last copper money, and of the weght, price, forme, and conditionis of prenting the same, that ye gif directioun and warrand to the saidis officiaris and utheris to whome it apperteynith to caus coyne thrie hundreth stane weght of copper in peeceis of the same weght, fynnes, price, and print of the last coppir money, without ony forder alteratioun or allowance, saveing that whiche the different price in buying of the copper will enforce. And, this commending to your speciall cair, we bid you fairweele. At Hinchingbrooke, the 18th of Octobir, 1613."

Sederunts. Vol. 89, a.

"The foure commissionis for the shirefshippis of Edinburgh, Hadingtoun, Lynlythgow, and Dunbartane renewit till Lambmes nixt." Sheriffships.

"The quhilk day the Erll of Orknay compeirand befoir the Counsell, and being demandit yf he had advisit with his freindis, and wes now prepairit to gif his answer to that propositioun whiche wes maid to him tuitcheing his renunciatioun of his ryght of the legall reversioun of the erldome of Orknay and of all uther ryght and title he could clame to that erldome, upoun honnorable conditionis to be maid to him for the same, the said Erll declairit that he wes not now prepairit to gif his ansuer in that mater, becaus his freindis, to whome he had writtin to haif assistit him in this busynes, wer not come heir be ressoun of the unseasounable wedder; and thairfoir he craved the xv day of May nixt to be resolved and to gif his answer. The Counsell having hard his delaying answer, thay refuis[it] to gif him so lang ane day. And, becaus the approcheing vacance is now at hand, and that thay mon acquent his Majestie afoir thay dissolve, thairfoir thay haif appointit and appointis unto the said Erll the last Counsell day of this sessioun, whilk wilbe the tent of this instant, to gif ane direct answer to the said propositionis." Plea by the Earl of Orkney.

Acta Oct. 1612–Nov. 1614. Vol. 90, b.

Sederunt—Chancellor; Bishop of Glasgow; Bynning, Secretary; Blantyre; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Sir Andro Ker; Sir Johnne Arnote. Edinburgh, 3rd March 1614.

"Forsamekle as, albeit thair hes bene diverse actis of Parliament and Conventionis maid be his Majestie with advise of his Estaitis wherby all his Majesteis subjectis wer commandit to communicat anes everie yeir, without ony pretext of excuse quhatsomevir, undir certane panes mentionat and contenit in the saidis actis, as the same at lenth beiris; notwithstanding quhairof, as his Majestie is informed, the saidis actis hes ressaved small executioun in diverse pairtis of this kingdome, insofer as sindrie personis, pernitiouslie affectit to the trew religioun, and contempnaris of the ordour and discipline of the Kirk, doeth ordinarlie, Act regulating that, in order to check the frequent evasion of previous Acts requiring all the lieges to attend communion once a year, there shall in future be a universal celebration of the Com-

munion on one and the same day in all the parishes of the realm.

when the communioun is ministrat in thair parrocheis, withdraw thame selffis to other parrocheis, undir pretext of doing of thair privat busynes, wherby not onlie do thay eschaip bothe tryall and punishement, and ar encourageit to continew in thair popische errouris and opinionis, bot otheris who are not yit weill groundit in the principallis of the trew religioun ar by thair example inducit to an imitatioun of thame bothe in lyff and conversatioun, sua that Poprie daylie increasis, to the offence of God and to the grite prejudice of his Majesteis estaite; and, his Majestie being cairfull that thir recusantis and non-communicantis, who ar most pernitious pestis in this commounwele, salbe knowne, and thair actionis, cariage and behavioure mair narrowlie advertit unto nor formarlie hes bene, his Majestie for this effect, with advise of the Lordis of his Secrite Counsaill, hes thoght meete, concludit, and ordanit that the communioun salbe celebrat universallie through all the kirkis of this kingdome upoun one day, to witt upoun the twenty four day of Aprile nixttocum; and that the haill subjectis of this kingdome who are worthie to be admittit to that holie actioun sall communicat that day. And, gif ony salbe fundin to be absent frome that actioun, that notice be tane of thame, to the effect that not onlie may thay be convenit for contravening of his Majesteis lawis, and the penaltyis prescryvit be the saidis lawis exactit of thame without favour, bot, with that, that suche uther ordoure may be tane with thame as is dew for personis whose lyff, conversatioun, and cariage is so suspitious, and consequentlie so daingerous to this estaite and cuntrey. It is alwyse declairit that, gif ony persone or personis, upoun necessair occasionis of his adois, sall happin to be absent frome his awne parroche kirk the said day, that ane testimoniall in write, undir the hand of the minister of the kirk quhair he communicat, sall liberat him of all perrell, dainger or inconvenient that he may incur through his absence and not communicating at his awne parroche kirk. Thairfore ordanis letteris to be direct chargeing officearis of airmes to pas and mak publicatioun heirof, be oppin proclamatioun at the mercat croceis of the head burrowis of this realme, whairthrow nane pretend ignorance of the same,—whiche proclamatioun and publicatioun so to be maid his Majestie, with advise of the saidis Lordis, declairis to be als lauchfull ane intimatioun and requisitioun to all his Majesteis subjectis as gif thay had bene personalie requirit to that effect,—and to command and chairge all and sindrie his Majesteis leigeis and subjectis, of what estaite, rank, qualitie or degrie so evir thay be, that thay prepair and addresse thame selffis, in modest and decent maner, as becometh Christeane people, to ressave the communioun, and that thay communicat the day foirsaid, undir the panes contenit in the actis foirsaidis; certifeing thame that salbe foundin absent fra the said holie actioun that not onlie sall thay be punist conforme to the saidis actis, bot, with that, suche uther ordoure salbe tane with thame as accordis. And lykwyse to command and chairge all archibischopis, bischopis, and utheris inferiour ministeris, to attend at the severall kirkis and congregationis quhairat thay or ony of

Acta Oct. 1612-Nov. 1614.

Fol. 91, a.

Acta Oct. 1612-Nov. 1614. Vol. 91, b.

thame ar appointit to serve, and to prepair and sie the elementis and utheris thingis necessarlie requisite for the said ministratioun be prepairit agane the said day, as thay and everye ane of thame wilbe answerable to God and the Kingis Majestie upoun the dewtie of thair chairge, calling and functioun, and undir the pane of incurring of his Majesteis heich displeasour, and to be punist thairfore in thair goodis at the arbitriement of his Majesteis Counsell."[1]

[No record of Sederunt.]

Edinburgh, 4th March 1614.

Act prohibiting the sometime Countess of Bothwell from again repairing to Court and troubling his Majesty with her suits.

"Forsamekle as the Kingis Majestie and Lordis of his Secrite Counsaill are crediblie informed that Dame Douglas, sometyme Countesse of Bothwell, is of intentioun agane to repair to his Majesteis courte, and by hir idill suitis and importunitie daylie to vex his Majestie, heichlie to his Majesteis offence and to the disgrace of this kingdome: Thairfore ordanis letteris to be direct to command, chairge and inhibite the said Dame Douglas, that scho onnawyse presome nor tak upoun hand, undir quhatsumevir cullour or pretence, to remove or depairt furth of this kingdome without licence of his Majestie and his said Counsell had and obtened to that effect, undir the pane of rebellioun and puting of hir to the horne; and gif scho failyie or do in the contrair, to denunce hir rebell and put hir to the horne, and to eschete, &c.; certifeing hir alsua that scho salbe utherwyse punist in hir persone as contempnair of his Majesteis princelie directionis and commandiementis, quhairthrow utheris may be terrifeit to committ the lyke heirefter."

King's Warrant for the preceding.

"His Majesteis missive and warrand for the Act abonewrittin:—

"Right trustie and weilbelovit counsellour, we grite you weill:— Whereas we are crediblie informed that the sometyme Countesse of Bothwell is of intentioun agane to come to our court, whiche gif she be sufferit to prosequute not onlie sall we be by hir ydill suitis and importunitie daylie vexed, bot that our kingdome lykewyse exceidinglie disgraced, we have thairfore thoght good, for preventing of both, heirby to require you to declair to our Chancellair and Counsell that we will not allow that scho be suffered to prosequute hir intendit jornay, willing thame in our name to mak tymous interruptioun thairto, and to command hir to desist from the same. Which recommending to you to sie affected, we bid you fairweel. At Newmercat, the 24 of Februar 1614."

[1] The day appointed by this Act for the first universal celebration of the communion in all the parish kirks of Scotland, viz. 24th April 1614, was Easter Day that year; and Calderwood (vii. 191) notices the Act accordingly as follows:—"Upon the fourth of Marche the ministers were commandit by proclamation, with sound of trumpet, at the Crosse of Edinburgh, to prepare the people for the Lord's Supper, and to minister it to them upon Easter day, the 24th of Aprile. The people likways were commandit to communicat that day at their owne paroche kirks. The pretence of the charge was the tryall of Popishe recusants; but the true intent, as the sincerest sort interpreted it, was to try how the people wold beare with alterations and innovations in the worship of God."

Edinburgh, 8th March 1614.

Sederunt—Chancellor; Bishop of Glasgow; Glencarne; Bynning, Secretary; Blantyre; President; Treasurer Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Sir Andro Ker; Sir Johnne Skene. Acta Oct. 1612–Nov. 1614. Fol. 92, a.

Proclamation for the stricter keeping of the season of Lent, with re-specification of the penalties for non-observance by eating or selling meat during the forbidden time.

"Forsamekle as, albeit thair hes bene diverse actis of Parliament maid and publeist heirtofore whairby the eating of flesche in tyme of Lentrone hes bene straitlie prohibite and dischairgit, undir certane panes mentionat and contenit in the saidis actis, notwithstanding suche hes bene the abuse and wilfull contempt of a grite nomber of the subjectis of this kingdome that, presomeing of impunitie, and thairupoun preferring thair awne contentment and the delicat feiding of thair bellyis to the obedience of the law and to the commounwele, thay do ordinarlie feid upoun flesche; and this universall contempt of the law and misregaird of his Majesteis auctoritie in that poynt is so muche the more foisterit and intertenyit by reasoun of his Majesteis clemencie, and the connivence and ovirsight grantit in tymes bigane to personis offending; and his Majestie finding by experience that nothing is so pouerfull to retene undewtifull personis undir the obedience of the law as the executioun of the law upoun the transgressouris thairof: thairforé his Majestie, with advise of the Lordis of his Secrite Counsale, hes resolved no longer to ovirsie this proud contempt of the law and of his Majesteis auctoritie, but to punische all and sindrie personis, of quhatsumevir rank and qualitie thay be, who at ony tyme during this present Lentrone sall eate ony flesche without licenceis had and obtenit to that effect, and the rather seeing it hes pleasit God to inritche this cuntrey with all kynd of good and delicat fischeis, alsweill in freshe as in salt walteris, makand the same to be answerable in plentie and aboundance, and in diverse sortis and kyndis, according to the severall seasonis of the yeir, for the use of man. Thairfore ordanis letteris to be direct to command, chairge and inhibite all and sindrie his Majesteis leigeis and subjectis, of quhat estaite, qualitie, rank, or degree so evir thay be, be oppin proclamatioun at the mercat croce of Edinburgh and utheris placeis neidfull, that nane of thame presome nor tak upoun hand, aftir the nynt day of Marche instant, to eate, or mak ready for eating, ony kynd of flesche during this forbidden tyme of Lentrone, undir the panes following, to be upliftit of the contravenairis sa oft as thay failyie; that is to say:—of everie erll, ane hundreth pundis; of everie lord, ane hundreth merkis; of every barone, fourty pundis; of everie oistlair, commoun cooke, and burges that sellis meate and drink, fourty pundis; and of every gentilman and uther burges suche sowmes of money as salbe thoght meete be the judge before quhome thay salbe tryit, answerable and agreable to thair rent and moyane. And lykwyse that no flescheouris presome nor tak upoun hand to slay or sell fleshe during this forbiddin tyme of Lentrone, undir the pane of fourty pundis sa oft as thay sall failyie. And the contravenaris of this present ordinance salbe callit, persewit and tryit Fol. 92, b.

Acta Oct. 1612–Nov. 1614.

before the Lordis of his Majesteis Prevey Counsaill, or before the Justice or his deputis, or before suche utheris judgeis as salbe constitute commissionairis be the Prevey Counsaill; and the treuth salbe tryit be the aith of pairtie or be witnesis. And to command all magistratis and officearis, to burgh and land, to inquire and try, everie one within thair awne boundis, be whome this present act salhappin to be contravenit, and to notifie the names to his Majesteis Counsell, or to his Majesteis Thesaurair, his depute, or suche justices be commissioun as salbe constitute in everie towne and province, to the effect the contravenaris may be persewit and punist accordinglie."

Warrant to Mr. Robert Cockburn and Mr. David Primrose, deputies to the deceased Mr. Samuel Cockburn of Temple in the Sheriffship of Edinburgh principal, to discharge the duties of the office till a successor is appointed.

"Forsamekle as it hes pleasit God to call to his mercie frome this mortall lyff M^r^ Samuell Cokburne of Temple, schireff of the schirefdome of Edinburgh principall, quhairthrow that office now vaikis in his Majesteis handis, and the Lordis of Secrite Counsaill haveing a speciall cair and regaird that, in this meantyme of the vacance of the said office, and quhill his Majestie provyde and nominat some speciall persone thairunto, that the administratioun of justice to his Majesteis subjectis in materis propirlie concerning the said office sall nawyse cease; thairfore the saidis Lordis ordanis and commandis M^r^ Robert Cokburne and M^r^ David Prymrois, who wer deputis to the said umquhill M^r^ Samuell Cokburne in the said office, to continew in the administratioun, useing and exerceing of the said office in all and sindrie liberteis, previledgeis and fredomes thairof, ay and quhill the Kingis Majestie declair his will and pleasour be whome his Majestie will haif the said office to be served in tyme comeing, and quhill thay be speciallie dischairgit; for doing quhairof thir presentis salbe unto thame sufficient warrand and commissioun."

Commissions. Fol. 182, a.

Commission for the trial of Walter Corsar for murder.

Commission under the Signet, signed by the Chancellor, Glencarne, Glasgow, Blantyre, Jo: Prestoun, A. Drummond, and Alexander Hay, to Johne, Earl of Mar, Sheriff of Striviling, and his deputies, to try Walter Corser in Touchgorme, who was apprehended on 2nd March instant for the murder of William Cowane in Touchgorme on the lands of Touchgorme on the said day, and who is now a prisoner in the Castle of Stirling.

Sederunts. Fol. 89, b.

Sir John Ker

"Ane act releving Sir Johnne of Littildeane of his warde within the burgh of Edinburgh."

Edinburgh, 10th March 1614.

Sederunt—Chancellor; Glasgow; Glencairne; Lotheane; Binning, Secretary; Blantyre; President; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Master of Elphinstoun; Kilsyith; Bruntyland; Medop; Sir Andro Ker; Sir Johnne Skeene.

Earl of Orkney.

"The quhilk day Patrik, Erll of Orknay, by his petitioun gevin into the Counsaill excuisit himselff as not being preparit this day to gif his answer to that propositioun maid to him anent the legall reversioun of Orknay, in respect that the Erll of Cassillis and utheris his freindis, whose advise he wes to follow in that mater, wer to be in this toun

betuix and Tyisday nixt the xv of this instant; and thairfoir he craved that day to gif his answer: whilk wes grantit." Sederunts.

Mr. John Nicolson and Richard Abercromby.

"Chargeis to be direct aganis Mr. Johnne Nicolsoun and his brother, on the ane parte, and Richard Abircromby and Mark Abircromby, on the uther parte, for finding of cautioun to keepe his Majesteis peace ilkane with uther,—Mr. Johnne and Richard, ather of thame, under the pane of tua thousand merkis; ilkane of the rest j^{m} merkis."

Earl of Linlithgow.

"The quhilk day Johnne Levingstoun of Bandorane, compeirand personalie befoir the Counsaill, in name of Alexander, Erll of Lynlythgow, tooke the first Counsaill day after the fyftene day of May for the exhibitioun of Patrik Aldochis bairnis." Fol. 90, a.

Bishop of Orkney.

"The quhilk day the Bischop of Orknay offerrit to dimitt and surrender his bischoprik of Orknay in the Counsellis handis: quhilk dimissioun the Counsell refuisit to accept, and intreatit the Bischop to haif patience quhill the Kingis Majestie goode laser and opirtunitie myght serve to see and considder the writis send up to his Majestie anent that benefice, and to returne his ansuer thairanent to the Counsell."

Lent.

"Proclamatioun anent Lentrone." (See Act on p. 218.)

Commission for the apprehension of Mr. John Stewart of Dowallie and others, at the horn for not appearing to a charge of murder.

Commission under the Signet, signed by the Chancellor, Glasgow, Jo. Preston, Alexander Hay, Murray, and W. Oliphant, to Laurence Mersar of Meklelour, James Ogilvie of Clova, Sir William Stewart of Garntullie, Thomas Abercrombie of Murthelie, Alexander Fleming of Mones, and Alexander Tarlochsoun *alias* Robertsoun of Inchmagranich, to apprehend Mr. Johne Stewart of Dowallie, Walter and Thomas Stewart, his brothers, Johne Reid in Dowallie, Johne Catenach in the Hauch of Kilmorich, Alexander Stewart, brother-german of George Stewart of Clocholdiche, M^{c}Phatrik, now in the Burn of Kilmorich, William M^{c}Farlan there, Coline Menzeis, servitor to Johnne Miller, there, Robert Mure *alias* Officer there, Johne M^{c}Nicoll in Guye, Robert M^{c}Cleriche in Rolmell, Donald M^{c}Intagart in Logieraite, Thomas M^{c}Nab in Dunkeld, and Duncane Robertsoun there, who were put to the horn on 15th February last, at the instance of M^{c}Gibboun, relict of Johne Low in Garntollie, Issobell Low, his daughter, James Low, his brother, and the remaining kin, and of the King's Advocate, for not finding caution to appear in answer to the charge of having murdered the said Johnne Low; the said Thomas M^{c}Nab being also put to the horn on 1st March instant at the instance of the said M^{c}Gibboun, relict, James Low, brother, and the remaining kin, of the said late Johne Low, for not appearing personally before the Justice and his deputies on a certain day. Commissions. Fol. 183, a.

Edinburgh, 15th March 1614.

Sederunt—Chancellor; Bishop of Glasgow; Glencarne; Scone; Bynning, Secretary; Blantyre; President: Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Sir Andro Ker; Sir Johnne Arnote; Mr. George Young. Acta Oct. 1612–Nov. 1614. Fol. 93, a.

Acta Oct. 1612–Nov. 1614. Fol. 90, a.

Commission to James Hamilton of the West Port of Linlithgow, Mr. Alexander Seaton of Gargunnock, and Mr. Robert Foullis, advocate, to maintain order among the workmen at the silver mines of Hilderston, with powers of justiciary in cases of theft at the mines by the workmen or others.

"Forsamekle as the Kingis Majestie, with advise of the Lordis of his Secrite Counsale and Auditouris of his Majesteis Exchekquer, hes set in few ferme to his Majesteis lovittis, Sir William Alexander of Menstrie, Thomas Foullis, goldsmyth, burges of Edinburgh, and Paulo Pinto, Portugall [*ante*, p. 15], all and haill his Majesteis silver mynes callit the silver mynes of Hilderstoun, with all the minerallis and mettallis of silver to be wroght and wyn at the saidis mynes, and within the haill boundis of the landis and barony of Ballincreif, Bathcat, Drumcroce, Tortrevin, Torphichin, and Hildirstoun, lyand within the schirefdome of Lynlithgow, togidder with the fyre workis and stamping workis pertening to the saidis mynes lyand besydis the burgh of Lynlithgow, as in the infeftment and securetie maid to thame thairupoun at lenth is conteyned: And whereas thair is and wilbe a necessitie of imployment of a grite nombir of workemen to attend the saidis workis in the severall degreis of service belonging thairunto, amongis whome grite disordoure and confusioun, with prevey stouthis and embazelling of the ure and mettall wyn in the saidis mynes, will not faill to fall out, unles some personis be authorized with pouer and commissioun from his Majestie and the saidis Lordis to tak ordoure with the saidis disordouris and stouthis, and accordinglie to punische the same; and his Majestie and the saidis Lordis undirstanding the good affectioun of his lovittis, James Hamiltoun of the west porte of Lynlithgow, Mr. Alexander Seatoun of Gargunnok, and Mr. Robert Foullis, advocat, and thair willing dispositioun to do his Majesteis service at the mynes: Thairfore his Majestie, with advise of the saidis Lordis, ordanis commissionis to be past and exped undir his Majesteis signet, makand and constituteand the saidis James Hamiltoun, Mr. Alexander Seatoun, and Mr. Robert Foullis, his Majesteis justiceis and commissionairis in that pairt, conjunctlie and severalie, to the effect undirwrittin: Gevand, grantand, and committand unto thame, conjunctlie and severalie, full power, commissioun, and auctoritie, expres bidding and chairge, to mak, prescryve, and set doun

Fol. 93, b.

actis and ordinanceis for retening of all these who ar or salbe imployit in ony kynd of chairge, service, or attendance about the saidis mynes and workis in a peciable and civile conversatioun, ilkane with utheris and with the cuntrey people dwelland thairabout, and in all and everie uther chairge concerning thair faithfull diligent and cairfull attendance upoun thair severall serviceis and chairge; and to appoint severall panes and punishementis aganis the offendouris and transgressouris of the saidis actis, according to the qualitie of the trespassour and to the nature and qualitie of the offence, ather in thair goodis by imposeing of fynes, or withhalding frome thame of thair wageis, or sequestring and suspending of thame fra thair imployment and service at the saidis workis for some certane space, or deposeing of thame alluterlie thairfra, or by punischeing of thame in thair personis by scourgeing, laying in the stockis, or lang imprisonement, according to the merite of the offence; and to caus the saidis actis and statutis be put to dew executioun aganis the

offendouris without favour. And, gif ony of the workemen, servandis, and attendaris upoun the saidis mynes and workis, or ony utheris his Majesteis subjectis resorting and repairing thairunto, salhappin to steall, resset, and conceale, or embazell ony of the ure or uthir provisioun, workloomes, or utheris necessaris belonging to the saidis mynes, fyre warkis, stamping warkis, and quicksilver warkis, or commit ony cryme or offence at the saidis mynes and workis quhilkis by the lawis of this realme is capitall and punishable by lyff or member, with power to the saidis justiceis and commissionairis, conjunctlie and severalie, to searche, seik, tak, and apprehend, and to committ to waird everie suche personis committaris of the saidis capitall crymes, and to keip and detene thame in suir firmance, ay and quhill justice be ministrat upoun thame, conforme to the lawis of this realme. And for this effect courte or courtis of justicearie, ane or ma, at quhatsumevir place or placeis and upoun quhatsumevir day or dayis lauchfull and convenient, to set, begin, affix, affirme, hald, and continew, suitis to mak be callit, absentis to amerchiat, unlawis, amerchiamentis, eschetis of the saidis courtis to ask, lift, and raise, and for the same, gif neid beis, to poind and distreinzie. And in the saidis courtis the personis committairis of the saidis crymes, or who ar dilait guiltie of the same, and ar apprehendit thairfore, upoun pannell to present, be dittay to accuse, and thame to the knawledge of ane assyse to put, and, as thay salbe fundin culpable or innocent, to caus justice be ministrat upoun thame for the saidis crymes, conforme to the lawis of this realme. Assysis neidfull for this effect, ilk persone under the pane of fourty pundis, to summond, wairne, cheis, elect, and caus be sworne; clerkis, servandis, dempstairis, and all utheris officiaris and memberis of court neidfull to mak, creat, substitute, and ordane,—for quhome the saidis justiceis and commissionairis salbe haldin to answer; and generallie all and sindrie uther thingis to do, exerce, and use quhilkis for the furtherance and advancement of the saidis warkis, and preventing and avoyding of all abuse, disordoure and confusioun quhilk may fall out thairanent, to do, exerce and use quhilkis of law or consuetude of this realme ar knowne to pertene: fferme and stable halding, and for to hald, all and quhatsumevir thingis salbe lauchfullie done heirin. Chairgeing heirfore all and sindrie his Majesteis leigeis and subjectis to reverence, acknowledge and obey, ryse, concur, fortifie and assist the saidis justiceis and commissionairis in all thingis tending to the executioun of this commissioun, as thay and ilkane of thame will answer to his Majestie and the saidis Lordis at thair heichest chairge and perrell. This present commissioun during his Majesteis will and pleasour, and ay and quhill the same be specialie dischairgit, to indure."

Acta Oct. 1612–Nov. 1614.

Fol. 94, a.

Act ordering all persons unlawfully in possession of silver ore or other property from the mines of Hilderston

" Forsamekle as it is undirstand to the Lordis of Secrite Counsale that thair hes bene a grite quantitie of silver ure, with workloomes and uther provisioun, embazelled and stollin away fra his Majesteis silver mynes of Hilderstoun, and fra the fyre workis and stamping workis belonging thairunto, and the same hes bene verie unlauchfullie resset, and

Acta Oct. 1612-Nov. 1614.

is yit keipit and detenit, be nombiris of his Majesteis subjectis, who, out of thair perverse and wicked dispositioun and resolutioun to continew in the lyke unlauchfull doingis heirefter, doeth conceale the ure, workloomes, and utheris necessaris belonging to the mynes and workis foirsaidis, now being in thair handis and possessionis, to the effect that thairby thay may cloke and cover all thair future stouthis and unlauchfull ressetis of suche kynd of geir, and falslie pretend the same to have bene in thair possessioun lang before the infeftment and dispositioun maid be his Majestie to the present fewairis of the saidis mynes: for eshewing of the quhilk pretext of excuse, and to mak all his Majesteis subjectis so mutche the more inexcusable, the Lordis of Secrite Counsale ordanis letteris to be direct chairgeing officiaris of airmes to pas to the mercat croce of Edinburgh, Lynlithgow, and utheris placeis neidfull, and thair, be oppin proclamatioun, to command and chairge all and sindrie his Majesteis leigeis and subjectis who hes ony pairt of the said silver ure, or silver fyned oute thairof, or ony toullis, workloomes, or ony provisioun belonging at ony tyme to the saidis mynes and workis, that thay bring and deliver the same to his Majesteis Thesaurair Depute within the space of twenty dayis after the publicatioun heirof; certifeing thame quha sall conceale the saidis goodis, or in quhais handis and possessioun ony pairt of the same salbe deprehendit and challanget heirof, that thay salbe repute, haldin and estemit as thifteous steillaris, conceallairis, and ressettairis of the same, and salbe persewit and punist as commoun thevis and ressettairis of thift without favour or mercy."

to deliver the same to the Treasurer Depute within twenty days, under pain of punishment as thieves or resetters of theft.

Fol. 94, b.

Commissions. Fol. 184, b.

Commission under the Signet, signed by the Chancellor, Glasgow, Blantyre, Glencarne, David, Lord Scone, Bynning, Alexander Hay, and A. Drummond, to Johnne, Earl of Sutherland, Alexander Gordoun of Auchmeddin, his brother, James Sinclair of Murchill, Johnne Sinclair of Rater, Hucheoun M^{c}Ky of Far, Donald M^{c}Ky, fear thereof, Robert Monro of Foullis, Johne Monro of Lymlair, William Ross of Innercharroun, Alexander Sutherland of Torres, David Sutherland of Reachair, James Sutherland of Shebeskeg, Alexander Sutherland of Camshevey, and Richard Sutherland of Ponfra, each one within his own bounds and no further, to apprehend and present to justice Angus and Hucheoun Murray, sons of Andro Murray, sometime in Craigie, Alexander M^{c}Mwriche, and Johne Thomasoune in Farlarie, who were put to the horn on 2nd March instant at the instance of William Suderland of Duffus, master of the late Donald Angus Garsone, sometime in Guidis, Angus Garsone in Kerenemayne, father of the deceased, and the brother and remaining kin of deceased, for not appearing before the Justice on a certain day to answer the charge of having murdered the said Donald Angus Garsone.

Commission for the apprehension of Angus and Hutcheon Murray, at the horn on a charge of murder.

Fol. 187, b.

Commission of the Peace for Orknay to the Chancellor, the Earl of Somersait, Treasurer, the Bishop of St. Androis, the Lords of the Privy Council and the Senators of the College of Justice, James, Bishop of Orknay, Sir Johnne Arnot of Berswik, knight, Arthour Sinclair of Burra, Laurence Sincler, his son and heir, James Sincler of Quendaill, Andro

Commission of the Peace for Orkney.

Giffert of Wattersteill, Thomas Cheyne of Urley, William Bruce of Sunbester, and Thomas Blak, of . Signed by the Chancellor. Commissions.

Earl of Orkney: his petition for leave to go to Court.

"The quhilk day the Erll of Orknay compeirand befoir the Counsaill, and demandit yf he wes now resolvit to gif his answer to that mater whilk wes proponit to him anent the legall reversioun of Orknay, he declairit that he had advisit with some of his freindis thairanent, and for answer he humelie craved of the Lordis that he might haif licence to go to courte and to kisse his Majesteis handis, and he doubtit not bot he sould gif unto his Majestie contentment and satisfactioun. The Lordis, haveing hard his answer, send him bak agane to his warde to remane thair quhill his Majesteis will and pleasour be knawne towardis him." Sederunts. Fol. 90, a.

Countess of Bothwell.

"Ane licence past to the Countesse of Bothvill to repair to hir rowmes in England, sho finding cautioun under the pane of fyve thousand merkis not to pas xxx myles beyond the laite Bordouris."

Laird of Blackwood.

"Ane licence past to the Laird of Blaikwode to pas home, upoun cautioun of iij^{m} merkis to reenter in warde within the burgh of Edinburgh betuix and the xv day of May next."

Edinburgh, 17th March 1614.

Sederunt—Chancellor; Bynning, Secretary; Treasurer Depute; Clerk of Register; Advocate. Acta Oct. 1612–Nov. 1614. Fol. 94, b.

Order to the magistrates of of burghs to receive and detain in ward all defaulters in the first term's payment of the taxation of 1612 that may be delivered to them by the Guard.

"The Lordis of Secrite Counsale, haveing directit ane nombir of gentilmen of his Majesteis Guaird to apprehend the personis denuncit rebellis and put to the horne for not payment of thair pairtis of the first termes payment of the taxatioun grantit to his Heynes in the moneth of October j^{m}vj^{c} twelf yeiris, willis, commandis and ordanis the provestis and bailleis of all burrowis within this kingdome to quhilk the saidis gentilmen of the Gaird sall have occasioun to come with the saidis rebellis that thay ressave thame out of thair handis, put thame in suir waird, keip and detene thame thairintill upoun thair awne expensis ay and quhill thay be fred of the horning execute aganis thame for not payment of thair said taxatioun, as the saidis provestis and bailleis will answer to the contrarie at thair uttirmost chairge and perrell."

Enumeration of persons in the shire of Dumbarton and Stewartry of Strathearn fined for reset of the Clan Gregor, with specification of the amount of the fine in each case.

"Forsamekle as the ressettis and supplie which the infamous thevis and lymmairis of the Clangregour had in diverse pairtis of the cuntrey—[*preamble continued as in previous similar Acts*, at p. 51, p. 101, p. 119, p. 143, p. 148.] According quhairunto the commissionaris within the schirefdome of Dumbertane and Stewartry of Strathearne in the courtis of tryall haldin be thame within the tolbuith of Dunbertane at the place of Fordie and kirk of Creiff *respective* upoun the auchtene, nynetene, xx, xxj, xxij, xxiij, xxiiij, xxv, xxvj, xxvij, and xxviij dayis of Februair, the yeir of God j^{m}vj^{c} and twelf yeiris, did call and convene, &c. [*preamble continued as in previous similar Acts*]—thairfoir the saidis Lordis hes decernit, adjudgeit, and fynit the personis particularlie undirwrittin, and everie one of thame, in the sowmes of money following, viz.:—Patrik Colquhoun of Inchvanok, in the soume of twenty pundis; Bartilmo Foster in Aber, in the Fol. 96, a.

Acta Oct. 1612–Nov. 1614.

soume of ane hundreth pundis; Waltir Buchannane of Blairvokie, in the soume of twa hundreth merkis; Thomas Galloway in Kilmaronok, in the soume of ten pundis; Johnne Dow M^{c}Aula in Gairlocheid, in the soume of fourscore pundis; Neill M^{c}Fersane in Ferlingcarie, in the soume of twenty pundis; Aula M^{c}Aula, sone to the said Johnne Dow M^{c}Aula, in the soume of fyftie merkis; Gibboun Fugatour in Ferlingbrek, in the soume of twenty merkis; Gillespik Dow Campbell in Portcaple, in the soume of ten merkis; Johnne Leich in Culkippen, in the soume of four score pundis; Callum M^{c}Ilcreist V^{c}Douchie in Stukintibert, in the soume fyftie pundis; Duncane M^{c}Ilcreist in Stukloch, in the soume of fourty merkis; Malcome M^{c}Coneill M^{c}William in Innerulas, in the soume of fourty pundis; Duncane M^{c}Clerich in Over Innerulas, in the soume of twenty merkis; Duncane M^{c}Gorrie in Ardvolrik, in the soume of fourty merkis; Malcome M^{c}Vetiche in Garrowstuk, in the soume of twenty merkis; Johne M^{c}Innoyer in Ardlewer, in the soume of fourty merkis; Johnne Dow M^{c}Farlane in Gartboll, in the soume of fyftie merkis; Andro M^{c}Farlane in Stukina, in the soume of fourty merkis; Parlane M^{c}Gorrie in Ardleis, in the soume of threttie pundis; Parlane M^{c}William, thair, in the soume of fyftie pundis; Malcome M^{c}William in Dun, in the soune of twenty pundis; Johnne Dow M^{c}Clerich, thair, in the soume of fourty merkis; Dowgall M^{c}Ilvorie in Glenlung, in the soume of fyftie merkis; Johne Dow M^{c}Ilvorie, his father, in the soume of twenty pundis; Johne M^{c}William in Tullichorm, in the soume of fourscore pundis; Gilbert M^{c}Watie in Innergilan, in the soume of twenty merkis; Robert M^{c}Andro V^{c}Gillichallum, thair, in the soume of twenty pundis; Johnne M^{c}Ewne V^{c}Andro in Craigmewen, in the soume of twenty merkis;

Fol. 97, a.

Patrik Inarran in Tarbert, in the soume of twenty pundis; Callum M^{c}William in Innerulas, in the soume of twenty pundis; Robert, his sone, thair, in the soume of ten pundis; Patrik M^{c}Eane V^{c}Fadrik, thair, in the soume of ten merkis; Waltir Buchannane in Rowchois, in the soume of ten merkis; Johnne Moir M^{c}Calpen in Portnellen, in the soume of ten merkis; Johnne M^{c}Gronoch in Knokyle, in the soume of ten merkis; Johnne M^{c}Robene, thair, in the soume of ten merkis; Johnne Dow M^{c}Farlane in Ardis, in the soume of fourty pundis; Callum M^{c}Innoyer, thair, in the soume of ten merkis; Johnne Buchannane in Bruskanich, in the soume of ten pundis; Waltir Buchannane, his sone, in the soume of ten merkis; Donald M^{c}Calpen in Lurgane, in the soume of fourty merkis; Waltir Buchannane in Salachie, in the soume of fourty merkis; George Buchannane in Blair, in the soume of ten pundis; Thomas Arroll in Arochibeg, in the soume of fyftie pundis; Johnne M^{c}Voreis in Arrochiemoir, in the soume of fourty merkis; Gillebreid M^{c}Voreis, thair, in the soume of ten merkis; Duncane Wricht in Spittell, in the soume of twenty pundis; Robert Wricht in Ballimacha, in the soume of fyftie merkis; Johnne M^{c}Mertene, oisler, thair, in the soume of ten merkis; Thomas M^{c}Quene in Auchingyle, in the soume of fourty pundis; Patrik Moir M^{c}Caslen, in the soume of

fyftie merkis; Patrik M^c^Caslen, his sone, in the soume of fourty merkis; Johnne M^c^Phadrik V^c^Aves in Faslen, in the soume of fyftie merkis; Duncan Ger M^c^Aves in Litle Baldruik, in the soume of ane hundreth merkis; Johnne M^c^Caslen in Auchingeth, in the soume of ane hundreth pundis; Daniell Colquhoun in porte of Rosdw, in the soume of twenty merkis; Johnne Layng in Lus, in the soume of fourscore merkis; Johnne M^c^Induller, thair, in the soume of twenty merkis; Malcome M^c^Eanroy, merchand thair, in the soume of ten merkis; Umphra Layng, cordinair thair, in the soume of ten merkis; Patrik M^c^Inturnour, thair, in the soume of ten pundis; Robert M^c^Neit in Stron of Lus, in the soume of twenty pundis; Donald Leich, his bruther, in the soume of twenty merkis; Patrik Gressich, cordinair, in the soume of ten merkis; Duncane M^c^Inturnour in Tor, in the soume of fourty merkis; William Richie in Camsell, in the soume of fyftie merkis; Waltir Buchannane in Inchlome, in the soume of fourscore pundis; George M^c^Andro Buquhannane in Blair, in the soume of twenty merkis; Johnne M^c^Robert, the officeairis sone, in the soume of ten merkis; Donald Buchannane, goodsone to Jonet M^c^Farlan, in the soume of fourty merkis; George Buchannane in Gartincaber, in the soume of xx merkis; Thomas Miller *alias* Campbell, at the Mylne of Buchannane, in the soume of ten merkis; Finla M^c^Moreis, thair, in the soume of fourty merkis; Thomas M^c^Lauchlane in Kynnach, in the soume of ten merkis; Patrik M^c^Andro Buchannane in Creithall, in the soume of ten pundis; Finla M^c^Moreis, thair, in the soume of ten merkis; William Buchannane, uncle to Drummokell, in the soume of fyve hundreth merkis; Thomas Buchannane Finlasoun in Gartmush, in the soume of fourty merkis; Waltir M^c^Adam, thair, in the soume of foure pundis; Johnne Beg Buchannane in Balinadewar, in the soume of twenty pundis; Johnne Buchannane of Ibert, in the soume of fyftie merkis; Thomas Buchannane, fear thairof, in the soume of ten merkis; Thomas Buchannan, officiar in the barony of Buchannane, in the soume of ten merkis; Thomas Buchannane at the kirk of Buchannane, in the soume of twenty pundis; William Gevin at the kirk of Drymmen, in the soume of twenty pundis; Johnne Dow M^c^Gillandreis, oisler in Drummokill, in the soume of ten merkis; William Gairdner at the kirk of Drymmen, in the soume of ten merkis; Johnne M^c^Willie in Drymmen, in the soume of ten merkis; Donald Dow M^c^Ilquhome, thair, in the soume of ten pundis; Patrik Andirsoun in Aber, in the soume of ane hundreth pundis; Bartilmo M^c^Eane, oisler thair, in the soume of fyftie pundis; Thomas Gairdner, thair, in the soume of fyftie merkis; Waltir Galbraith, thair, in the soume of fyftie merkis; Robert Croket, thair, in the soume of ten merkis; Allaster Buchannane *alias* Genny in Gartocharne, in the soume of ane hundreth merkis; Patrik Buchannane in Crenomich, in the soume of ten pundis; Donald M^c^Calpen, in the soume of twenty pundis; Johnne Roy M^c^Calpen, in the soume of foure pundis; Johnne Arroll in Cashlie, in the soume of twenty merkis; Walter M^c^Farlane in Corrierclat,

Acta Oct. 1612–Nov. 1614.

Fol. 97, b.

Acta Oct. 1612–Nov. 1614.

in the soume of fyftie merkis; Johnne Dow M^cWilliam, thair, in the soume of ten merkis; Gibboun Dow M^cNair in Ferquhansie, in the soume of twenty merkis; Robert M^cCoull M^cFarlan in Gortan, in the soume of fyftie pundis; Dougall M^cAndro, unyeair (?) in Stukvullig, in the soume of fourty merkis; Callum M^cFarlan, thair, in the soume of twenty merkis; Johnne M^cFarlan in Kenmor, in the soume of ten pundis; Duncane Riach in Ovirsiach, in the soume of ten merkis; Duncan M^cClerich in Kenmoir, in the soume of twenty merkis; Parlen Beg M^cEwne in Overadvolrig, in the soume of fourscore merkis; Malcome M^cGorrie in Stukinrean, in the soume of twenty pundis; Johnne M^cWilliame in Garrowstuk, in the soume of twenty pundis; Duncane M^cNoyer in Stronfin, in the soume of twenty merkis; Donald Gorme M^cNoyer, thair, in the soume of twenty merkis; Duncane M^cFarlane, thair, in the

Fol. 98, a.

soume of twenty merkis; Dougall M^cFarlane in Tullichintaull, in the soume of thrie hundreth merkis; Duncan M^cNair in Craigmewin, in the soume of ten pundis; Malcome M^cFarlan in Inversnaid, in the soume of ten merkis; Johnne Dow, sone to Malcome M^cFadrik, in the soume of ten pundis; Robert M^cFarlan, sone to the said Malcome M^cFarlane, in the soume of fourty merkis; Duncan M^cFarlane in Calzemoir, in the soume of twenty merkis; Johnne Moir M^cWilliam in Corrierclat, in the soume of twenty merkis; Callum M^cPhadrik Dwy V^cAves, thair, in the soume of twenty merkis; Duncane Roy M^cFarlan in Stukveik, in the soume of fyftie pundis; Duncane M^cFarlane in Coriechoir, in the soume of twenty pundis; Callum M^cFarrie Gean, thair, in the soume of ten merkis; M^cInteir, wobster thair, in the soume of ten merkis; Duncane M^cAndro in Stuk, in the soume of ten merkis; Johnne Dow M^cGillicreist V^cDouchie in Fergyn, in the soume of fourty merkis; Gibboun M^cDonald Nevir in Fergeus, in the soume of ten merkis; Callum M^cFarlane in Nether Ulas, in the soume of ten merkis; Johnne Stirling of Glorat, in the soume of ane thousand merkis; Allaster Buchannane in Glendie, in the soume of fourty merkis; Johnne Rutherfurd in Wester Abirlemnot, in the soume of twenty pundis; Annas Man Roy [Thomas M^cRoy ?], thair, in the soume of twenty merkis; Johnne Roy, brouster, thair, in the soume of twenty pundis; Johnne Dow M^cIlquhone in Tulibennochar, in the soume of twenty pundis; Gibbone M^cIntailyeour, thair, in the soume of fourty merkis; Duncane Roy, brouster in Mewy, in the soume of fyftie merkis; Alexander Comrie, thair, in the soume of twenty merkis; Duncane Drummound, sumtyme M^cGregour, in the soume of fyftie pundis; James Stewart, thair, in the soume of fourty merkis; Donald M^cPhatrik in Derie, in the soume of ane hundreth pundis; Duncane M^cPatrik, thair, in the soume of ten pundis; Lauchlane M^cEane Dwy, thair, in the soume of fyftie merkis; Duncane M^cRorie in Arbeth, in the soume of fyftie merkis; Laurence M^cRorie, thair, in the soume of fourty merkis; Ewir M^cInnes Reoch in Balliver, in the soume of fyftie merkis; Johnne Over M^cIllichallum in Edinample Maynis, in the soume of twenty pundis; Callum M^cCarres, thair, in the soume of ten merkis; Patrik

M^c^Rowman [Rowmoir ?], thair, in the soume of four pundis; Johnne M^c^Kynla Vane in Cartroun, in the soume of twenty pundis; Johnne Over M^c^Mirrie in Lettir, in the soume of twa hundreth merkis; Johnne Dow M^c^Mirrie in Asblane, in the soume of twa hundreth merkis; Patrik Galt M^c^Mirrie, thair, in the soume of fyve hundreth merkis; Gilliphillan M^c^Invayne in Ballivoir, in the soume of fyftie merkis; Finlay M^c^Invayne, thair, in the soume of twenty pundis; Allaster Dow Miller, thair, in the soume of twenty pundis; Johnne M^c^Laren in Glenbeth, in the soume of twa hundreth merkis; Malcome Dow M^c^Rorie, thair, in the soume of fyftie merkis; Johnne M^c^Ilmichell in Carles, in the soume of ten merkis; Alexander Leich in Dalbeith, in the soume of fyftie merkis; Robert M^c^Lauchlane in Auchinerll, in the soume of twenty merkis; Niniane Pudrach Undow [?], thair, in the soume of twenty merkis; Donald M^c^Condochie Vayne in Glenogill, in the soume of twenty pundis; Alexander Stewart, thair, in the soume of fyftie merkis; Johnne M^c^M[ir]rie in Coull of Balquhidder, in the soume of ane hundreth pundis; Donald M^c^Vorich, thair, in the soume of ten merkis; Malcome M^c^Inteir, thair, in the soume of ten merkis; Johnne M^c^Migatour, thair, in the soume of ten pundis; Johnne M^c^Illespik, thair, in the soume of fyftie pundis; Malcome M^c^Kynla, thair, in the soume of ten pundis; Finla M^c^Illespik, thair, in the soume of fyftie merkis; Finla M^c^Ean V^c^Kynla in Balquhidder, in the soume of fyftie merkis; Donald M^c^Mungatour, thair, in the soume of fyftie merkis; Finla M^c^Vorich, thair, in the soume of four pundis; Laurence M^c^Kynla, thair, in the soume of twenty merkis; Johnne M^c^Thornik, thair, in the soume of fyftie merkis; Donald M^c^Inlesker, thair, in the soume of fyftie merkis; Johnne M^c^Inlesker, thair, in the soume of twa hundreth merkis; Malcome M^c^Inteir, thair, in the soume of fourty pundis; Johnne M^c^Allan, thair, in the soume of ten merkis; Donald M^c^Nie, thair, in the soume of twenty pundis; Donald M^c^Inteir, thair, in the soume of twenty pundis; Donald Bayne M^c^Kynla, thair, in the soume of ten merkis; Gilmori M^c^Nie, thair, in the soume of fyftie merkis; Johnne M^c^Gilliglas, thair, in the soume of fyftie merkis; Robert M^c^Ean V^c^Laren, thair, in the soume of twenty merkis; Johnne Stewart, thair, in the soume of ten pundis; Patrik Stewairt, his sone, in the soume of fyftie merkis; Marie M^c^Douchie, wedow, thair, in the soume of ane hundreth pundis; William Miller, thair, in the soume of twenty pundis; Johnne M^c^Carres, thair, in the soume of ten merkis; Andro Stewart, thair, in the soume of twenty merkis; Johnne M^c^Noyer, thair, in the soume of twenty pundis; Robert Stewart, younger, thair, in the soume of twenty pundis; Patrik M^c^Conochie Roy Stewairt in Tullair, undir the laird of Cromlix, in the soume of fyftie merkis; Johnne Galt M^c^Nicoll, thair, in the soume of fourscore merkis; Jonet M^c^Illeiche, thair, in the soume of xx merkis; Johnne M^c^Veriche, thair, in the soume of ten merkis; Malcome M^c^Andro M^c^Voreist, thair, in the soume of ane hundreth merkis; Patrik M^c^Voreis, thair, in the soume of fyftie merkis; Alexander Stewart of Ardvolrig, in the soume of fyve hundreth merkis;

Acta Oct. 1612-Nov. 1614.

Fol. 98, b.

Fol. 99, a.

Acta Oct. 1612-Nov. 1614.

James Stewart Williamsoun, in the soume of ane hundreth merkis; Johnne M^cLaran, in Ardclossan, in the soume of ane hundreth pundis; Laurance M^cLaran, his sone, thair, in the soume of fourty pundis; Johnne M^cCondochie V^cAllaster in Dundorne, in the soume of fourty pundis; Patrik M^cInteir, thair, in the soume of fourty merkis; Donald Miller, thair, in the soume of fourty merkis; Duncane M^cAllaster, thair, in the soume of fourty pundis; Johnne M^cBlaran, thair, in the soume of twenty pundis; Patrik M^cKeslik, thair, in the soume of twenty pundis; Johnne M^cVoreis in Finlaglen, in the soume of fourty merkis; Duncane M^cIlmichell in Over Maler, in the soume of twenty merkis; Duncane Kynoch in Dalcroun, in the soume of ane hundreth merkis; Donald Kynoch, his sone, in the soume of twenty merkis; William M^cInven, in Dalclathik, in the soume of fourty pundis; Donald M^cKewall, thair, in the soume of fourty merkis; James Dow M^cPhadrik in Glenlichorne, in for soume of fourty merkis; Patrik Dow M^cEan, thair, in the soume of twenty merkis; Johnne M^cIlmichell, thair, in the soume of twenty merkis; Duncane Luke in Litle Dalganros, in the soume of ane hundreth merkis; Johnne M^cGruder Phegour in Blairinrowar, in the soume of ane hundreth merkis; James Drummond of Pitkellanie, in the soume of fyve hundreth merkis; Johnne M^cEwne in the soume of twenty pundis; Ewne Crubrich, in Tullichetill, in the soume of twenty pundis; Johnne Drummond of Inneryeldie, in the soume of fyve hundreth merkis; James Drummond, his bruther, in the soume of twenty merkis; Patrik Drummond, sumtyme M^cGregour, in the soume of twenty merkis; Johnne Roy M^cNab in Glenlednok, in the soume of fyftie merkis; Duncane Beg Drummond in Comrie, in the soume of ane hundreth pundis; Johnne Grahame, elder, in Callender, in the soume of ten merkis; David Walker in Fairnot, now in Leterbenach, in the soume of fyftie pundis; David Murray in Wester Cultrennich, in the soume of ten pundis; Johnne Scot in , in the soume of fyftie pundis; Vustian Patoun in Trewin, in the soume of fyftie merkis; William Dow in Fornot, in the soume of fyftie pundis; Robert Gray in Drumfin, in the soume of ane hundreth twenty fyve merkis; Andro Patoun in Lettir Bannachie, in the soume of fourty schillingis; Johnne Finlasoun in Bracho, in the soume of ane hundreth pundis; Adam Bryce in Bracho, in the soume of fyftie pundis; Johnne Bryce, thair, in the soume of twenty pundis; and Henry Reid, thair, in the soume of fyftie merkis. And ordanis letteris &c. [*concluding charge for payment of the fines as in former similar Acts*].

Fol. 99, b.

Commissions. Fol. 184, a.

Commission under the Signet, signed by the Chancellor, Binning, Johne Prestoun, and Sir W. Oliphant, to the provost and bailies of Air, to try William Mure, servitor to William Cathcart of Carvestoun (Carletoun ?), now in the tolbooth of Air, for committing adultery with Bessie Bell, spouse of Andro Wilsoun in Brounhill, in the kirk of the burgh of Air, whom he met on the hills of Air, "sho being thairbefoir, then, and as

21st March 1614. Commission for the trial of William Mure for adultery with a madwoman.

yitt furious and mad, bereft and destitute, at the good pleasour of God, of the richt use of hir wittis." Acta Oct. 1612–Nov. 1614.

Edinburgh, 6th April 1614.

Sederunt—Chancellor; Bynning, Secretary; Blantyre; President; Privy Seal; Justice Clerk; Advocate; Kilsyth; Medop; Bruntiland; Sir Andro Ker; Sir Johnne Skene; Sir Johne Arnote.

Charge to merchants and others liable to penalties under previous Acts requiring the import of bullion in quantity corresponding to their exports, and the delivery of the same to the King's mint at certain prices.

"Forsamekle as, albeit thair hes bene mony good actis maid be the Kingis Majestie and his predicessouris of famous memorie anent the hamebringing of bulyeoun, especialie ane act maid be umquhill King James the Fourt, quhairby it wes statute and ordanit that all merchantis sould bring hame the quantitie of bullioun effeirand to the goodis transportit be thame furth of this kingdome, and deliver the same to his Majesteis maister cunzeour upoun the priceis specifeit and contenit in the saidis actis, under the pane of payment of the double availl of the unces of the said bullyoun, as the saidis actis at lenth beiris; and altho thair hes bene diverse intimationis and publicationis maid of the saidis actis, quhairthrow nane of his Majesteis subjectis can with reasoun pretend ignorance or misknawledge of the same; notwithstanding it is of treuth that thair is a grite nomber of personis, merchantis and trafficquaris of this kingdome, who, aganis thair dewtie and obedience, and without respect to thair credite, hes concealed the bulyeoun addebtit be thame for the goodis transportit be thame furth of this realm thir diverse yeiris bigane, and hes not, nather yit intendit to deliver the same to his Majesteis maister cunzeour; quhairthrow, according to the tennour of the said act of Parliament, thay aucht to be burdynit with the double of thair said bulyeoun, and executioun sould pas aganis thame for payment thairof: Thairfore the Lordis of Secrite Counsale ordanis letteris to be direct chargeing officiaris of airmes to pas to the mercat croceis of the heid burrowis of this realme and utheris placeis neidfull, and thair to intimat and declair to all and sindrie his Majesteis leigeis and subjectis who ar addebtit to his Majestie in his bullyoun, that, gif within the space of threttie dayis after the publicatioun heirof at the saidis mercat croceis, thay do not imbring and deliver to his Majesteis maister cunzeour the bulyoun addebtit be thame for the goodis and geir transportit be thame furth of this kingdome at ony tyme bigane preceiding the dait heirof, and who sall not imbring and deliver to his Majesteis said maister cunzeour the bulyoun dew to be payit be thame for the goodis and geir quhilkis thay sall transporte furthe of this realme in tyme comeing in suche dew and lauchfull tyme as be the saidis actis is appointit, that letteris of horning salbe direct aganis thame and thair cautionairis upoun ane simple chairge of ten dayis, chairgeing thame personalie or at thair dwelling placeis for payment of the double of the said bulyoun, and that the names of the merchantis, with the quantitie of the goodis transportit be thame and the bulyoun dew to be payit thairfore, salbe deliverit to the officiaris executoris of the saidis letteris in bill." Fol. 95, a.

Acta Oct. 1612–Nov. 1614. Fol. 95, b.

Appointment of Sir Andrew Ker of Oxenhame to succeed Sir Robert Ker of Ancrum in the Captaincy of his Majesty's Guard in Scotland.

"Forsamekle as, Sir Robert Ker of Ancrum, knycht, gentilmane of the Prince his bedchalmer, being by that place and service so tyed to a continewall residence at courte as he cannot longer attend the commandiement of his Majesteis Guairdis heir [*ante*, p. 176], it hes pleasit the Kingis Majestie, upoun that respect and consideratioun, and upoun good proof and experience had be his Majestie of the willing dispositioun of his trustie and weilbelovit counsallour Sir Andro Ker of Oxneham, knyght, to do his Majestie service, to mak speciall choise of the said Sir Andro to succeid in the said Sir Robert his place and chairge of Capitane and Commander of his Majesteis Guairdis: Thairfore the Lordis of Secrite Counsale, according to ane warrand and directioun in write signed be the Kingis Majestie, and presentit this present day before thame, hes ressavit and admittit, and be tennour heirof ressavis and admitis, makis, and constitutis the said Sir Andro Ker Capitane and Commander of his Majesteis Guairdis, and gevis unto him the office thairof, with all feis, monethlie allowanceis, and utheris honnouris, digniteis, previlegeis and immuniteis belonging and pertening thairto, and quhilkis wer formerlie possest be the said Sir Robert Ker of Ancrum during the tyme of his service in that place; ordaneing the said Sir Andro Ker his monethlie pay and allowance to begyn upoun the first day of Aprile instant, and sua to continew accordinglie: lyke as the said Sir Andro, being personalie present, gaif his aith to use and exerce the said office dewtifullie and faithfullie as accordis."

Fol. 96, a.

Follows his Majesty's missive letter and warrant for this Act, dated "at oure manor of Theobaldis the fyft of Marche 1614," and worded much as in the Act itself.

Commissions. Fol. 185, a.

Commission for the trial of Oliver Grant for riots and assaults.

Commission under the Signet, signed by the Chancellor, Blantyre, Binning, Jo: Prestoun, and R. Cokburne, to the provost and bailies of Perth to try Oliver Grant, son of the late Grant, burgess of Perth, now in prison for divers riots and misdemeanours: namely, for having attacked with drawn weapons the magistrates, his mother, , common drummer of the burgh (wounding him with a dagger in the shoulder), and , a young woman (wounding her in the hand); and for breaking out of prison to which he had been committed for these offences.

Commissions. Fol. 186, a.

Commission for the apprehension and trial of witches in Galloway.

Commission under the Signet, signed by the Chancellor, Binning, R. Cokburne, and Oliphant, to William, Bishop of Galloway, and the Steward of Kirkcubright, and his deputies, to apprehend and try sundry persons within the bounds of Galloway suspected of witchcraft, enchantments, and other devilish practices.

Sederunts. Fol. 90, b.

Fishing in the North Isles: Duke of Lennox.

"The xvij of May nixttocome appointit to the burgh of Edinburgh to adverteis the burrowis who hantis the trade of fisheing in the North Illis to be heir that day, and to gif in thair awne defensis anent the gift and commissioun soght be the Duke of Lennox anent the lifting of the assise hering in the North Yllis."

Admiralty of

"The mater anent the Admiralitie of Orknay and Zetland, acclamed

Orkney and Shetland.

be the Duke of Lennox to pertene to him, continewit till the homecomeing of the Deputie Thesaurair." Sederunts. Fol. 90, b.

MacClean.

"His Majesteis missive anent M^cClayne tuitcheing his finding of cautioun for his obedyence and for payment of his Majesteis rentis ordanit to be obeyit."

Thomas Johnston.

"His Majesteis missive and directioun anent Thomas Johnnstoun to be obeyit; and that the Bischop of Brechine be writtin for to be heir the nixt Counsell day; and that some of the Gaird be direct to bring Johnnestoun heir."

Edinburgh 29th April 1614.

Sederunt—Chancellor; Lotheane; Bynning, Secretary; President; Justice Clerk; Clerk of Register; Advocate; Bruntiland; Medop; Sir Johne Skene; Sir Johnne Arnot. Acta Oct. 1612-Nov. 1614. Fol. 99, b.

Act sentencing Thomas Johnston to banishment for life and other punishment for insolence to the Bishop of Brechin.

"The quhilk day Thomas Johnnstoun, soumtyme servand to the Lady Auldbar, being presentit and exhibite before the Lordis of his Majesteis Prevey Counsaill be the lieutennent of his Majesteis Guaird and suche utheris of the Guard as wer directit to the citie of Brechin to bring him frome thense heir, and the saidis Lordis haveing layed to his chairge that detestable and inexcusable offence commitit be him aganis the reverend father in God, Andro, Bischop of Brechin, first by his malapairt presumptioun to put hand in the said bischop, who wes a prelat, a justice of peace, the lord and cheif magistrat of the citie of Brechin quhair the said insolence wes commitit, and nixt by his forceing and breking of his Majesteis waird and eschewing furth thairof, he being prisonnair thairin for this same insolence; and the saidis Lordis haveing hard the said Thomas answer maid heirunto, quhairby he confest and grantit the offence foirsaid commitit be him, and acknowledgeit that he did worthelie deserve most rigorous and schairp punischement for the same; and the saidis Lordis being with the said answer and all the circumstances of this mater weill advisit: the saidis Lordis, following the Kingis Majesteis will, pleasour and directioun signifeit unto thame be write in this mater, hes decernit and ordanit, and be the tennour heirof decernis and ordanis, the said Thomas to be baneist his Majesteis realme and dominionis, and nevir to returne agane within the same during his lyftyme, undir the pane of dead. And ordanis him to act him selff in the bookis of Secrite Counsale that within the space of fourty dayis after his releif of waird furth of the tolbuith of Brechin, quhairin he is now ordanit to entir agane, that he sall depairt and pas furth of his Majesteis dominionis, and not returne agane within the same, without his Majesteis licence, undir the pane of deade. And forder the saidis Lordis ordanis the said Thomas to be tane bak agane to his said waird in the tolbuith of Brechin, and thair to remane and ly quhill the first day of August nixttocum; and that upoun thrie severall mercat dayis, and in tyme of mercat, he be brocht to the mercat croce of Brechin, and thair layed in the stockis, and that at the said mercat croce he gif ane publict confessioun, everie Fol. 100, a.

Acta Oct. 1612–Nov. 1614.

one of the saidis thrie mercat dayis, of the grite insolence and offence committit be him aganis God, the Kingis Majestie, and the said bischop, and acknowledge that he is worthelie punist for the same."

Caution by the said Thomas Johnston consequent on the above sentence.

"The quhilk day Thomas Johnnstoun, sometyme servand to the Lady Aulbar, compeirand personalie before the Lordis of Secrite Counsaill, actit and obleist him selff that within the space of fourty dayis aftir his releif of waird furth of the tolbuith of Brechin he sall depairt and pas furth of his Majesteis realmes and dominionis, and not returne agane within the same, without his Majesteis licence had and obtenit to that effect, undir the pane of deade. As alsua he actit him selff that betwix the dait heirof and the sevint day of May nixttocum he sall lauchfullie reentir his persone in waird within the tolbuith of Brechin, and remane and keip waird thairin quhill he be fred be the saidis Lordis, undir the pane of fyve thousand merkis."

Part of the sentence on the said Thomas Johnston remitted to the discretion of the Bishop of Brechin.

"Forsamekle as, albeit the Lordis of Secrite Counsaill hes gevin and pronuncit decrite and sentence aganis Thomas Johnnstoun, sometyme servand to the Lady Auldbar, ordaning him [*recitation of the sentence upon him as in the Act before last*], nevirtheles the saidis Lordis hes remitit, and be the tennour heirof remittis, to the said bischop the executioun and mitigatioun of that pairt of the said sentence tuitcheing the taking of the said Thomas to the mercat croce of Brechin thrie mercat dayis and laying him in the stockis, and gevis unto the said bischop pouer both of the executioun and mitigatioun of that pairt of the said sentence, according as he sall find the said Thomas Johnnstoun his penitencie, submissioun, and good behaviour to merite."

Fol. 100, b.

Royal warrant for the same.

Follows his Majesty's missive warrant for the preceding Acts. It is dated from Whytehall the 14th of March 1614, refers to a former letter regarding the said Thomas Johnstone and his offence, and proceeds: "And, whereas he haith bene this long tyme rebell and fugitive for that caus, and now, as we ar informed, is apprehendit and in waird in our citie of Brechin, we, being loath that offenceis of this nature and qualitie, whiche ar so pernitious both in consequence and example, sall pas over without examplarie punischment, have thairfore thocht good by these presentis to signifie unto you oure pleasour cencerning him; which is that ye ordane him to be banisched oure realmes and dominionis during his lyftyme, and tak him self actit that before a day by you prefixed he sall depairt out of oure said dominionis, and nevir returne into any pairt of the same, without oure speciall licence, undir the pane of death. As tuitching the examplarie personall punischement to be inflicted upoun him, we remitt the same to your awne considerationis, whairin ye sall use the advise and opinioun of the said bischop, and, whatsoevir ye sall decerne aganis him, that the bischop have pouer both of the executioun and mitigatioun of the same, as he sall find the said Johnestoun his penitence, submissioun, and good behaviour to merite."

Fol. 101, a.

Charge to James Drummond, sheriff

"Forsamekle as the Kingis Majestie is crediblie informed that James Drummond, present schireff clerk of Perth, is not onlie so far decayit in

clerk of Perth, and his son Harry Drummond, who claims right to the office, to appear before the Council and answer to the charge of being disqualified for the office by lying under a number of hornings; with charge also to the Earl of Tullibardine, as sheriff principal of Perthshire, to appear for his interest in the matter.

body and mynd as he is altogidder unable of himself to dischairge that office, bot lykwyse that he, and Harie Drummond, his sone, who pretendis to have richt to the said office, ar so often, and at the instance of sa mony severall pairtyis, denuncit rebellis as it is noway fitte that thay sould be imployit as ministeris of justice in ony judicatorie quhatsoevir: Thairfore the Lordis of Secrite Counsaill ordanis letteris to be direct chairgeing the said James Drummond, and Harie Drummond, his sone, who pretendis to haif richt to the said schiref clerkship, as alsua William, Erll of Tullibardin, schireff principall of the said schirefdome, for his interesse, to compeir personalie before the Lordis of Secrite Counsaill upoun the sevintene day of May nixttocum,—that is to say, the said James and his said sone to answer to the premisis, and to bring, produce, and exhibite with thame sufficient letteris of relaxatioun fra the haill horningis quhilkis thay undirly, quhairby it may be seene and undirstand be the saidis Lordis gif thay as lauchfull and obedient subjectis do serve in the said office, and gif for thair habilitie, knawledge, judgement, and experience thay ar worthie to be continewit thairin; and, gif the said James and his said sone, or ony of thame, be visite with seiknes sua that thay may not compeir, that than thay compeir be a procuratour sufficientlie instructit to answer for thame. And the said erll to informe the saidis Lordis of the trew estaite of that judicatorie, and to ressave the saidis Lordis directioun tuitching the appointing of sufficient and qualifeit deputis to serve thairin, and accepting of suche a clerke as salbe recommendit unto him be his Majestie and the saidis Lordis. [All this] undir the pane of rebellioun and puting of the saidis personis to the horne, with certificatioun to thame, and thay failyie, letteris salbe direct *simpliciter* to put thame thairto; certifeing alsua the saidis James and Harye, gif thay compeir not the saidis day and place, that one other famous and qualifeit persone salbe preferrit to the said office, and thay altogidder debarrit and removit thairfra." Acta Oct. 1612–Nov. 1614.

Mr. John Nicolson.

"Ane act in favouris of M^r^ Johnne Nicolsoun and his brether." Sederunts. Fol. 91, a.

The *Minute Book of Processes* gives the following memoranda collectively for the month of April 1614:— Minute Book.

Proces: Advocatt and Thesaurair against Robert Innes for wearing of pistollettis.

Rapt: Advocatt and the Laird of Innes against Robert Innes for ravishing of Annas Innes, sister to the said laird.

Rebellion: Alexander Graham against Sir David Herring.

Imprisonment and oppression: William Smart and Hary Craig against Johne Broun, &c.

Imprisonment: Johne Broun and Alexander Moncreiff against the Baylies of Pittenweym.

Rebellion: Johne Belshes and James Liddell against William Acheson.

Rebellion: Johne Yalowlees against Johne Carmichaell.

Minute Book.

Rebellion: Johne Philp against Adam Rutherfoord.

Rebellion: Jonet Miller against Dam Jean Stewart.

Act ordaning intimatione to be maid at the mercat croceis for payment of his Majesteis bulyeon.

Oppression: James Hog, &c. against David March, &c.

Rebellion: Georg Newtoun against the Earle of Craufurd.

Rebellion: Archibald Murray against Thomas Murray.

Rebellion: Sir Johne Henderson against Thomas Abercromby, &c.

Rebellion: Walter Jonstoun against Robert Moffatt.

Rebellion: Thomas Hog against James Tennett.

Bill: the Earle Caithnes craving that he and his followeris, &c., may be exonered from the persut of Camroun of Lochyell.

Rebellion: Carnegie against James Scrimgeour.

Rebellion: Johne Russell against Robert Fyf.

Rebellion: Thomas Wallac against Robert and Andro Buchanans.

Petition: M^{r} Johne Nicolson against Richard Abercromby to find cautionars for the persewaris indemnity.

Letteris against the Laird of Enze and otheris for exhibiting of Duncan M^{c}Ean Dowie, &c.

Rebellion: George Davidsone against Georg Botherstanes.

Ryott: Johne Gray against Johne Craig.

Rebellion: Mr. David Sumner against Robert Sibbald.

Decreit of banishment against Thomas Jonstone.

[No record of Sederunt.]

Acta Oct. 1612–Nov. 1614. Fol. 101, b.

Edinburgh, 11th May 1614. Proclamation of his Majesty's princely care in having sent two ships to protect the lieges against certain pirates reported to be on the coasts of the kingdom, with intimation that the ships are now in pursuit of the pirates, and that therefore mariners and others may go to sea safely.

"Forsamekle as, informatioun being maid to the Kingis Majestie that some pirottis and villanes, commoun enemeyis to all lauchfull subjectis and trafficquairis, wer upoun the coastis of his Majesteis kingdome, awaiting the tyme and occasioun how thay micht with greatest advantage invaid and persew his Majesteis good subjectis and spoyll thame of thair lyveis and goodis, his Majestie, upoun the first adverteisment thairof, being tuitchit with a princelie and tendir regard and consideratioun of the weill of his good subjectis, whose saulftie, peace, preservatioun, and proffeit hes evir bene maist pouerfull, recent, and lyvlie in his Majesteis rememberance, and, his Majestie preferring thair weele and the suirtie of thair trade and passage to all his Majesteis most important princelie and wechtie effairis whilkis wer than in handis alsweill in his Majesteis Parliament as elswhere,[1] his Majestie gaif present ordour and directioun for the dispatche to the sea of two of his Majesteis strong shippis, weill providit and furneist with men, victuallis, poulder and bullet, for the persute of these lymmairis with

[1] The Parliament here meant is King James's Second English Parliament, which had met at Westminster on the 5th of April 1614, and with which he found himself in such difficulties, pecuniary and other, that he had to dissolve it within a month after the date of the present document.

all kynd of force and hostilitie, and, whe[n]as the lymmairis thame selffis could not be tane alyve, to sincke thair shippis, and samony as salbe tane alyve to carry thame to the porte nixt adjacent to that pairt of the sea whair thay salbe apprehendit, and thair to caus thame be hangit without mercy or favoure; lyke as the saidis tua shippis ar now at the seas in the persute of the saidis lymmairis, sua that now no farder fear is to be apprehendit bot all his Majesteis subjectis may prosequute and follow out thair voyageis without ony forder dainger or fear of pirottis: Thairfore the Lordis of Secrite Counsale ordanis letteris to be direct chairgeing officieris of airmes to pas to the mercat croce of Edinburgh, the peir and shore of Leyth, and utheris sea portis of this kingdome, and thair be oppin proclamatioun to mak publicatioun and intimatioun to all sea-fearing men of the course tane be his Majestie for the suirtie of thair passage and trade, sua that thay may in peace prosequute thair intendit voyageis without dainger." Acta Oct. 1612-Nov. 1614

His Majesty's letter in the above matter, with additional particulars.

"Followis his Majesteis missive and warrand for the act abonewrittin.

"Right trustie and weilbelovit counsallour, we grite you weill:—We have receaved your lettir, togiddir with the note presented to oure Counsell by oure burgh of Edinburgh, complayning of piraceis; bot in effect we had gevin answer before the recept of youre lettir. For, haveing long before undirstood of suche villaynes on oure coastis, we had comandit one of oure schippis and a pinnesse to be dispatched towardis thame; bot, being thairefter advertised of the nomber and strenth of the said knaves, we thoght good in stead of the pinesse to send a strong schip,—the preparatioun quhairof hath bene the caus of so long stay. Bot, now that we perswade oure selff that both oure said shippis wilbe at the sea before these presentis can come to your handis, ye may certifie oure Counsell thairof, to the intent that thay may gif notice to all oure good subjectis of the course taikin by us for thair saulftie, and that thay may prosequute thair voyageis in thair accustomed maner without ony furder dainger of piracyis heirefter. So we bid you fairwele. At our palice of Whytehall, the sext of May 1614. We are gevin to undirstand that this day oure schippis go doun this river; and we haif gevin thame expres warrant that thay sall sinck any piratis shippis whairof thay ar in ony doubt to tak all the personis alive, and als many personis as salbe taikin alive to be caryed to the porte nixt adjacent to that pairt of the sea whaire thay salbe apprehendit, and thair to be hanged." Fol. 102, a.

Edinburgh, 17th May 1614.

Sederunt—Chancellor; Lotheane; Cranstoun; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Ker; Sir Johnne Skeene; Sir Johnne Arnott. Acta Oct. 1612-Nov. 1614. Fol. 102, a.

Act for coining 200 stone-weight of copper in penny and

There having been a former act "for coyneing of three hundreth stane weght of copper, quhairthrou the necessitie and indigence of the poore might be relevit, and the intercourse of small commodityis and penny-

Acta Oct. 1612–Nov. 1614.

worthis amangis his Majesteis subjectis might be the better intertenyit" (*ante*, p. 213), but his Majesty now understanding that "suche ane small quantitie of that coyne, being once dispersit and putt oute amangis his Majesteis subjectis, wilbe of no continewance ather for interteyning of this exchange or for releving of the indigence of the poore,"—it is enacted "that tua hundreth stane more of the said copper, whilk will mak in the haill fyve hundreth stane, salbe coyned in pennyis and tua penny peeceis." The master cunyeour, warden, counter warden, and sinker of the mint are to preceed accordingly, observing "the reull, tennour, and conditionis prescryvit unto thame be the said formair act of three hundreth stane"; for which procedure "the extract of thir presentis salbe unto thame a warrand."

two-penny pieces, in addition to the 300 stone-weight formerly ordered.

Fol. 102, b.

Followis his Majesty's missive letter warranting the preceding Act. It is dated "At oure Pallice of Whytehall, the 14 of Marche 1614," and is worded substantially as in the Act itself.

"Forsamekle as, Allesoun Simsoun, ane profest nune, being laitlie apprehendit in England, and send to this cuntrey upoun occasioun of some lettiris and writtis fundin in hir company, and sho being committit to warde in the Tolbuithe of Edinburgh for that same caus, the Kingis Majestie, upoun verie goode considerationis, hes fundin that hir remaning in this cuntrey can not be without hurte to the present religioun, seeing hir cheif cair and travellis wilbe to pervert samony as sho may frome the present religioun: and thairfoir his Majesteis will and pleasour is that sho be banist his Majesteis realmes and dominionis during hir lyvetyme, and nevir returne agane within the same without licence, under the pane of deade. And, the said Allesoun being send for frome the Tolbuithe, and exhibite befoir the Lordis of Secreit Counsell, and this being intimat unto hir, and sho being desirit to find cautioun and souirtie for hir remaning furthe of his Majesteis dominionis, and for hir not returne agane within the same without licence, sho with all reverence acquiesceit to his Majesteis will and pleasour in this mater, but declairit upoun hir solemne oathe that sho could gett nane who wald be cautionarie for hir in this earand; and thairfoir sho actit, band, and oblist hir selff that, sho being furthe of this realme, sho sall not returne agane within his Majesteis dominionis without his Majesteis licence had and obtenit to that effect, under the pane of deade. Quhairupoun the saidis Lordis dimittit and send hir bak agane to hir warde in the Tolbuithe of Edinburgh, and ordanis and commandis the Provest of Edinburgh, who wes personallie present, to caus await the commoditie of some ship going to Flanders, and to caus the said Allesoun be convoyit in suirtie to the same schip, and delyverit to the skippair thairof, to the effect he may transport hir to Flanders; and that he tak cautioun of the skippar, under a reasounable soume, that he sall not sett hir on land in ony pairt of his Majesteis dominionis."

Act anent Alison Simson, a Roman Catholic nun, now a prisoner in the Tolbooth of Edinburgh, accepting her own bond to banish herself from his Majesty's dominions, and charging the Provost of Edinburgh to see her shipped off to Flanders on the first convenient opportunity.

Fol. 103, a.

"Forsamekle as, James Lyoun, base sone to umquhyll Sir Thomas Lyoun of Auldbar, knight, being dilaitit unto the Lordis of Secreit

Case of James Lyon, natural son of the late

Sir Thomas Lyon of Auldbar, who has been in ward in the Tolbooth of Edinburgh for some time for threatening the life of the Earl of Kinghorn.

Counsaill to have utterit some speecheis and to haif maid some vowis to haif tane the lyffe of Patrik, Erll of Kinghorne; and, the said James being broght frome his warde in the Tolbuithe of Edinburgh, and exhibite befoir the saidis Lordis upoun the xv day of Marche last, and demandit upoun the saidis speecheis, in the presence of David Lyoun of Bagillie, to whome he spak the same, the said James grantit and confest that he had spokin the saidis speecheis oute of his heitt and passioun, without ony purpois or intentioun to haif putt the same in executioun: Quhilk confessioun being hard and considderit be the saidis Lordis, and thay finding it a mater of ane verie evill preparative and example that suche swaggering and uncomelie formes sould be usit aganis noblemen of honnour and credite, and the haynousnes of this offence being aggregeit to the said James with the punishement whilk he had justlie deservit for the same, and he being urgeit to find cautioun for keeping of his Majesteis peace with the said Erll, and to forbeare suche insolent formes in tyme comeing, under the pane of x^{m} ℔., he declairit upoun his grite and solemne oathe that he could gett nane that wald become cautionarie for him in this mater. And, the saidis Lordis being loathe to latt him free without a suirtie, thay declairit unto him that, seeing he could not find the said cautioun, it wer expedient that he sould reteir him self furthe of this kingdome, and not to returne agane within the same without licence; quhilk conditioun he imbraceit conditionallie that the Erll of Kinghorne wald mak him some supplee and help to by him claithis, and to mak his interteynement some certane space after his landing, and upoun this conditioun he wald act him self under the pane of deade nevir to returne agane within this realme without his Majesteis licence. And, this being intimat to the said David Lyoun, and he desyrit to imparte the same to the Erll of Kinghorne and to reporte his answer thairanent the nixt Counsell day following,—whiche wes the saxt of Apryll,—the said David compeirit that day, bot broght no answer frome the said Erll concerning ony supplee to be maid to the said James: whairupoun the saidis Lordis continewit this mater to the 29 day of the said moneth of Apryill, and desyrit the said David, as of befoir, to deale with the said Erll, that he wald mak some supplee to the said James for his transporte furthe of this realme, sieing it stoode him bothe to his suirtie and honnour,—the said James being one of his house and his neir kynnisman. Bot, no direct answer being reportit the said 29 day of Apryll, and thairfoir the mater being of new continewit to this day, the said David Lyoun compeirit personallie this day, and not onlie declairit that he wald mell no forder in that mater, nor pay the chargeis of the said James ony langer during his lying in warde, bot produceit ane lettir under the hand of Dame Annas Murray, Countesse of Kinghorne, purporting in expres termes that no supplee nor supporte wes to be gevin to the said James. Quhilk lettir being red in the saidis Lordis audience, and the same being considderit be thame, and thay haveing alsua hard and considderit the supplicatioun gevin in be the

Acta Oct. 1612-Nov. 1614.

Fol. 103, b.

Acta Oct. 1612-Nov. 1614.

said James Lyoun, quhairby he craved outher to be putt to libertie or then that he might have sufficient allowance frome the Erll for his interteynment during the tyme of his warde, and the saidis Lordis finding that thay could not deteene the said James in perpetuall warde for naiked speecheis spokin be him without purpois or intentioun to haif execute the same, as he declairit upoun his grite oathe; and seeing the said James had no moyen to transporte him self furthe of this cuntrey, and that no supporte nor supplee wes to be looked for frome the said Erll of Kinghorne, as wes declairit bothe be the said Erllis said spous and be the said David Lyoun; thairfoir the saidis Lordis send for the said James frome the Tolbuithe, and demandit of him of new yf he wald gett cautioun and souirtie for keeping of his Majesteis peace with the said Erll of Kinghorne. He declairit upoun his grite oathe that he could gett nane that wald become cautionair for him; and forder he declairit upoun his grite oathe that he had not, nather yitt hes, ony purpois or intentioun to haif putt into executioun these foolishe and unadvisit speecheis spokin be him, and that he wes grevit and sorie at his hairt that ever he sould haif spokin suche speecheis. And, seeing he could not gett cautioun, he gaif his grite and solemne oathe, and forder actit and oblist him self, that in all tyme comeing he sall observe

Fol. 104, a.

oure Soverane Lordis peace, keepe good reule and quietnes with the said Erll of Kinghorne, and that he nor nane of his causing, sending, hounding oute, command, ressett, assistance, and ratihabitioun, sall on nawyse invade, molest, harme, trouble, nor persew the said Erll of Kinghorne, his men, tennentis, or servandis, in thair bodyis, landis, takkis, possessionis, goodis, or geir, for quhatsomevir deid, caus, or occasioun utherwayes nor be ordour of law and justice, under the pane of ten thousand pundis."

Commissions. Fol. 188, a.

Commission to Sir James Dundas of Arnestoun, knight, to hold the sheriffship of Edinburgh till August 1st 1615. Interim Sheriffship of Edinburgh.

Sederunts. Fol. 91, a.

"Ane missive to be written to his Majestie anent the assise hering." Assize Herring.

"The quhilk day Patrik, sometyme Erll of Orknay, wes ordanit to be transportit fra the Castell of Edinburgh to the Castell of Dunbartane, conforme to ane warrand in write send doun frome his Majestie to that effect." Earl of Orkney.

The Lords order the Justice and his deputies to proceed to the trial of Helene and Issobell Erskine on 22nd June next (*ante*, p. 172, &c.), and the Lord Advocate to pursue them according to the laws of the realm. Erskine Poisoning Case.

Fol. 91, b.

"Ane act allowing j^{m} merkis to be payit to the burgh of Jedburgh for help and reparatioun of thair Tolbuithe, to be payit oute of the first and reddiest of the casualityis aryseing be the office of the Commissionaris for the Middle Shyris. Jedburgh Tolbooth.

"Sir James Steuart of Killeith, Sir Johnne Arnott, and the Customaris ordanit to convene, confer, and meete upoun that complaynte maid to his Majestie be the toun of Brem, and reporte unto the Counsell this day Town of Brem.

aucht dayis what thay haif done in that mater. The towne of Bremis letter direct to his Majestie for this effect deliverit to Niniane M^cMorane." Sederunts. Fol. 91, b.

Earl of Orkney's son. "Ane commissioun past to Sir James Steuart of Killeith and his deputis to tak and apprehend Steuart, base sone to the Erll of Orknay, whairevir he may be had within the boundis of Orknay, and to present him to the Counsell."

Ditto. "Ane proclamatioun that nane within Orknay answer the said Erllis base sone of ony of the rentis and dewtyeis of Orknay or Zetland."

English pirates. "Ane warrand and directioun gevin to Sir James Steuart to caus send heir twa Inglishe pirottis apprehendit in Orknay."

Bishop of Orkney. "Ane letter frome his Majestie anent the cleiring of doubtis betwix the Thesaurair Depute and the Bischop of Orknay for the landis in Orknay asscryvit to the Bishop. This mater ordanit to rest till the Bischoppis homecomeing." Fol. 92, a.

Edinburgh, 19th May 1614. *Sederunt* — Binning; Burlie; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Medop; Sir Andro Ker; Sir Johnne Arnott. Acta Oct. 1612–Nov. 1614. Fol. 104, a.

Acceptance of the sheriffship of Edinburgh by Sir James Dundas of Arniston. "The quhilk day in presence of the Lordis of Secreit Counsell compeirit personallie Sir James Dundas of Arnestoun, knight, acceptit upoun him the office of schirefship of the scherifdome of Edinburgh principall, and gaif his oathe to administrat, use, and exerce the said office dewtifullie as effeiris."

Edinburgh, 24th May 1614. *Sederunt*—Chancellor; Binning; Cranstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Medop; Sir Johnne Arnott. Sederunts. Fol. 93, a.

Quest of pirates. "The quhilk day the capitane of his Majesteis ship who wes directit heir for persute of pirottis presentit him self this day befoir the Counsell, offering him self reddy to follow thair directioun, and desirit, in respect thay wer not weele acquent with this coast, that thay myght have some pilottis to serve thame. The Counsell, haveing hard thame, appointit the Magistratis of Edinburgh to confer with thame, and to acquent thame whair the pirottis wer, and to furnes thame pylottis."

Town of Brem. "The ansuer to the complaynte of the toun of Brem continewit to the comeing heir of Sir James Steuart of Killeithe." Fol. 93, b.

Laird of Blackwood. "The Laird of Blaikwodis fyne modifeit to j^m li."

Edinburgh, 26th May 1614. *Sederunt*—Chancellor; Bishop of Caithness; Cranstoun; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Johnne Arnott. Acta Oct. 1612–Nov. 1614. Fol. 104, a.

Commission to the Earl of Caithness for "Forsamekle as the Kingis Majestie and Lordis of Secreit Counsaill ar informit that some schippis of warre, pirottis and commoun enemeyis to

Acta Oct. 1612–Nov. 1614.

all lauchfull trafficquaris, ar upoun the coast of this kingdome betuix Peterheade and Zetland, awaiting the occasioun to spoyle not onlie the subjectis of this kingdome bot all other seafairing men bothe of thair schippis and goodis; lyke as thay have persewit divers subjectis of this kingdome, tane some of thame prisonnaris, and as yitt keepis and detenis thame, hes reft frome otheris thair goodis and geir, and hes compellit otheris upoun hoip to have preservit thair lyves to ryn on land to the wracke and distructioun of the schippis and losse of the lyves of the haill equippage and companie of the same, sua that through feare of thir pirottis all notherne trade and trafficque is cassin up, to the grite hinder wracke and inconvenient of nomberis of his Majesteis goode subjectis who hantit the fisheing in the North Yllis and utheris notherne tradis beyond sea: And his Majestie and the saidis Lordis undirstanding the goode dispositioun of his traist cosine, George, Erll of Caithnes, and his eirnist affectioun to do his Majesteis service, especiallie in this mater, quhairin his Majestie is so heichlie tuitcheit in honnour and his Majesteis goode people so heichlie distressit in thair personis and goodis: Thairfore his Majestie, with advice of the saidis Lordis, ordanis ane commissioun to be past and exped under his Majesteis Signett makand and constitutand the said Erll his Majesteis justice and commissioner in that parte to the effect underwrittin, gevand grantand, and committand to him full pouer and commissioun, expres bidding and chairge, to convocat his Majesteis liegeis in armes and to pas, searche, seik, follow persew, and tak the saidis pirottis quhairevir thay may be apprehendit be sea or land within the boundis and cuntrey of Caithnes, or on the sea and coast betuix Peterheade and Orknay, and samony of thame as salbe apprehendit to committ to warde, and to keepe thame thairin quhill justice be ministrat upoun thame conforme to the lawis of this realme; and for this effect courtis of justicearie at quhatsomevir placeis convenient to sett begin, affix [*&c., &c., as in previous commissions of the kind*]. And, for the better executioun of this commissioun, with pouer to the said Erll to rig oute shippis or barkis, ane or ma, weele providit with poulder, bullett, and all other weirlyke provisioun for persute of the saidis pirottis. [*Following clauses as before.*]"

the pursuit, capture, and punishment of certain pirates infesting the coasts between Peterhead and Shetland.

Fol. 104, b.

Fol. 105, a.

Commissions. Fol. 188, a.

Commission under the Signet, signed by the Chancellor, Bynning, and Jo. Prestoun, to all Sheriffs, Stewards, Provosts and Bailies of Burghs, and Justices of the Peace, to apprehend M^r^ Robert Johnnstoun of Lewquhine, who has broken his ward in the tolbooth of Haddington, where he had been detained for non-payment of certain debts.

29th May 1614. Commission to apprehend Mr. Robert Johnston, who has broken ward.

Sederunts. Fol. 93, b.

Sederunt—Chancellor; Lynlythgow; Bishop of Caithnes; Cranstoun; Binning; Burley; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Johnne Arnott; M^r^ G. Young.

Edinburgh, 31st May 1614.

[No record of proceedings.]

Edinburgh, 2nd June 1614.

Sederunt—Chancellor; St. Androis; Lynlythgow; Bishop of Caithnes; Cranstoun; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Johnne Arnott; M^r^ G. Young. Sederunts. Fol. 93, b.

Sir James Macdonald.

"Ane missive to his Majestie anent Sir James M^c^Coneill."

Commission for the trial of John Chouslie for house-breaking.

Commission under the Signet, signed by the Chancellor, Lynlythgow, Sanctandrois, Caithnes, and Alexander Hay, to Sir William Levingstoun of Durnechester, knight, and Johnne Lennox of Wodheid, bailie of Sir William Levingstoun of Kilsyth, knight, on the lands of Campsie, to try Johne Chouslie, sometime servitor to the said Laird of Kilsyth, now in the Laird's hands for breaking into a chamber of his lodging in the Cowgait of Edinburgh in April last, and stealing a great quantity of silver work and some costly habiliments and other goods, with which he fled to England. Commissions. Fol. 188, b.

7th June 1614.

Sederunt—Chancellor; St. Androis; Hammiltoun; Lotheane; Blantyre; Burley; Cranstoun; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Medop; Sir Andro Ker; Sir Johne Arnott; M^r^ G. Young. Sederunts. Fol. 93, b.

Lord Sanquhar.

"Ane missive to his Majestie anent the Lord Sanquhair."

Archbishop of St. Andrews.

"Ane missive to his Majestie anent the Bishop of St. Androis."

The Merse.

"Ane missive to the Justiceis of Peace within the Merse."

John M^c^Ghie.

"Allowance of x ŝ. daylie grantit to Johnne M^c^Ghie fra his entrie in warde till his releif."

Commission for the trial of John Stewart for murder.

Commission under the Signet, signed by the Chancellor, Hammiltoun, Sanctandrois, Lowthiane, Blantyre, Balfour of Burley, Byning, and William, Lord Cranstoun, to the Provost and Bailies of Monros, to try Johne Stewart, indweller in Monrois, now in prison for the murder of William Hamtoun, carter, on 31st May last. Commissions. Fol. 189, a.

Edinburgh, 9th June 1614.

Sederunt—Chancellor; St. Androis; Lynlithgow; Blantyre; Burley; Binning; Master of Elphinstoun; President; Treasurer Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Medop; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott; M^r^ G. Young. Sederunts. Fol. 94, a.

House of Dunivaig.

"Chargeis aganis Angus Oig M^c^Coneill for randering of the house of Dunnyvaig."

Ditto.

"Commissioun to the Bishop of the Yllis to persew the said house."

Sederunts. Fol. 94, a.

Sederunt—Chancellor; St. Androis; Mar; Cassillis; Lynlithgow; Lotheane; Cranstoun; Binning; President; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Medop; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott; Mr G. Young. Edinburgh, 16th June 1614.

The Lord Advocate instructed to summon Gavin Drummond, son of Gavin Drummond of Kildeis, to appear before the Justice and his deputies in the Tolbooth of Edinburgh, to undergo trial for the murder of M^r^ Johnne Murray, son of the late Olipheir Murray in Cassiltoun, on June instant. Gavin Drummond.

"Missives to the Erllis of Perth and Tullibairdin to be heir this day aucht dayis." Perth and Tullibardine

Acta Oct. 1612–Nov. 1614. Fol. 105, a.

Sederunt—Chancellor; Bishop of St. Androis; Hammiltoun; Mar; Cassillis; Lotheane; Burlie; Cranstoun; Binning; Master of Elphinstoun; President; Treasurer Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott; Mr George Young. Edinburgh, 21st June 1614.

"Forsamekle as the exportatioun of gold and silver furthe of this kingdome hes bene verie straitlie prohibite and forbiddin be divers actis of Parliament maid be the Kingis Majestie and his predicessouris of famous memorie, and the Lordis of his Majesteis Previe Counsell and Exchekquer being cairfull, according to the meaneing of the saidis actis, to foirsee everie suche occasioun quhairby the saidis actis ar violat, and accordinglie to provyde remeid aganis the same, to the effect that, the moneyis being retenit and haldin within the cuntrey, the intercourse of handling amangis his Majesteis subjectis maybe the better intertenit; and the saidis Lordis undirstanding that the unnecessair importing of foreyne commodityis, especiallie of victuall, at suche tyme as thair is verie grite abundance and plentye of the same commodityis within the cuntrey, able to serve the selff without ony foreyne supplee, hes beene and is ane of the gritest causis of the exportatioun of gold and silver, and consequentlie of the grite penuritie and scairstie of the same within the cuntrey, sua that grite nomberis of his Majesteis subjectis of all rankis can not haif moneyis within the cuntrie to supplee thair necessityis and discharge thair credite, althoght in landis and goodis thay be answerable and utherwayes verie honnorablie disposit to gif contentment to thair creditouris; and whereas it is aganis the policie of all weele governit commonweelis that the coyne of the cuntrey salbe sua unnecessarlie bestowit upoun commodityis whereof the cuntrey standis not in neede, bot hes sufficient of thair awne to serve thame selffis and to releve and supplee the wantis of thair nighbouris: thairfoir the saidis Lordis ordanis new publicatioun to be maid of the saidis actis anent the Act for renewing the proclamations against the export of gold and silver coin, and also for imposing certain customs for a year upon imported wheat, bere, pease, beans, rye, and oats.

restreant of exportatioun of gold and silver, and ordanis the contravenaris thairof to be tane ordour with, and punist accordinglie. And, yf ony persone or personis will, in this tyme of so grite plentye and abundance of victuall within the cuntrey, unnecessarlie bring ony foreyne victuall within the same, the saidis Lordis hes thoght meete and expedyent that his Majestie sall haif the custome and dewytie following payit out of the same,—that is to say, aucht shillingis for every boll of quhyte, vj ß. viij đ. for every boll of beare, peis, beanis, and ry, and iiij ß. of every boll of aittis. And, whereas some suspitioun and feare may be apprehendit that this dewytie and custome sall stand constant and uncheangeable in all tyme comeing, the saidis Lordis declairit, and be the tennour heirof declairis, that the said dewytie is only impoisit for this yeir, and to stand quhill Michaelmes nixt, and thairefter to be dischargeit in haill, or diminisheit in a parte, as the occasioun sall present, and as God sall blisse the cuntrey with abundance or scairstie of victuall; and that letteris of publicatioun be direct heirupoun." Acta Oct, 1612-Nov. 1614. Fol. 105, b.

Act prohibiting the transport into Scotland of any passengers from Campvere whose religion is not certified by the minister of the Scots kirk at Campvere.

"Forsamekle as it is undirstand to the Lordis of Secreit Counsell that thair is divers personis, adversaris to the trew religioun presentlie profest within this kingdome, who resoirtis and repairis frome all pairtis to the town of Campweere in Zeland, and thair awaitis the commoditie and occasioun to be transportit in this kingdome, and at thair arryvaill and during the tyme of thair aboade heir thay ar bussye and imployis thair wittis and ingyne to divert simple and ignorant people frome the treuthe and veritie of the evangell, and to imbrace the foolishe errouris and superstitionis quhilkis be the lawis of this kingdome ar abolissit and supprest; and whairas the resoirt of suche kynd of people into this kingdome can not be without grite hasaird and perrell to this estate: thairfoir the Lordis of Secreit Counsell ordanis letteris to be direct to command, charge, and inhibite the maisteris, awnaris, skipparis, and marinaris of quhatsomevir shippis and veshellis in this kingdome, be oppin proclamatioun at all placeis neidfull, that nane of thame presome nor tak upoun hand, at ony tyme after the publicatioun heirof, to ressave in thair barkis or shippis at the Campweere and bring frome thense into this kingdome ony passingeris of quhatsomevir natioun, quhill first thay obtene frome the minister of the Scottis kirk at Campweere a testimoniall under his hand, beareing that the persone or personis who desyris to be transportit into this kingdome doeth hant the Scottis kirk at Campweere, and ar knowne to be professouris of the trew religioun presentlie profest and be law establissit within this kingdome, under the pane of warding of the contravenaris of this present ordinance during the saidis Lordis will and pleasour, and forder to be fyned in thair goodis at the saidis Lordis pleasour: certifeeing thame that failyees or dois in the contrair that not onlie sall thay be wardit, bot lykewayes thay salbe fyned in suche pecuniall sowmes as the saidis Lordis sall impose upon thame." Fol. 106, a.

Proclamation of a general Wapinschaw.

"Forsamekle as, the Kingis Majestie and his predicessouris of famous memorie haveing a speciall cair and regaird that all the subjectis of this

Acta Oct. 1612–Nov. 1614.

kingdome sould be weele and sufficientlie providit with armour and exercised in the use and handling of thair armes, quhairby thay might be the more able to concur and hald hand to all the publict affairis and serviceis of the estate, alswele in persute as defence, as the necessitie of thair imployment in the service sould require, for this effect thair hes beene mony goode actis of Parliament, Conventioun and Secreit Counsell, maid and publist contening not onlie the forme and maner how all his Majesteis subjectis of all rankis, qualityis, and degrees, bothe to burgh and land, sould be armed, and gevand speciall libertie and previlege of some certane dayis for the use, handling, and exercise of thair armis, bot with that appointing and ordaning generall mustouris and wapponshawingis to be maid everye yeir throughoute all the realme, as in the saidis actis at lenth is contenit; the executioun whairof hes beene neglectit and overseene thir divers yeiris bigane, and that lovable use and custome of wapponshawing, whilk wes so necessair and expedyent for the goode of this kingdome, is now become in dissuetude through the sleuthe and cairles negligence of the magistratis to whose office and charge the executioun of the saidis actis apperteynis; and, the Lordis of Secreit Counsell being cairfull, and finding it verye necessair and expedyent that the said lovable custome of wapponshawing, quhilk is warranted by samony goode lawis, actis, and constitutionis, salbe agane renewit and broght in consuetude, thay for this effect have appointit ane wapponshawing to be maid throughout all the shyris of this kingdome, bothe to burgh and land,—the burgh of Edinburgh exceptit, who hes alreddy maid thair wapponshoweing,—upoun the last Wedinsday of July nixttocome, being the 27 day of that moneth. Thairfoir ordanis letteris to be direct to mak publicatioun heirof, be oppin proclamatioun at the mercat croceis of the heade burrowis of this kingdome, wherthrow nane pretend ignorance of the same, and to command and charge all and sindrie his Majesteis liegis and subjectis, alsweele to burgh as to land, regalitie as ryaltie, that thay and everyone of thame prepair and addresse thame selffis, weele and sufficientlie armed, conforme to the proclamationis formarlie maid heiranent, to gif thair mustouris and wapponshawing upoun the said 27 day of July nixt, in presence of the schireffis, steuartis, baillies of regalityis, and provestis and baillies within burgh, everyone of thame within thair awne boundis: certifeing thame that failyees and beis absent frome the said wapponshawing, or that beis not armed conforme to the proclamationis maid thairanent, that the panes contenit in the saidis actis salbe upliftit of thame without favour; as alsua chargeing all schireffis, steuartis, baillies of regalityis and royalteis, and provestis and baillies within burgh, that thay and everyone of thame within thair awne boundis, office, and jurisdictioun, attend and await upoun the said wapponshawing, and do and performe that quhilk to thair office and charge in that mater apperteynis, as thay and ilkane of thame will answer to his Majestie and his Counsell upoun the dewtifull discharge of thair office."

ing to be held on the 27th of July next.

Fol. 106, b.

Commissions, Fol. 189, a.

Commission under the Signet, signed by the Chancellor, Hammyltoun, 21st June 1614.

Commission for the trial of James Jamesoun for murder.

Lothiane, Balfour of Burley, A. Elphingstoun, Alexander Hay, and Drummond, to George Auchinleck of Comlege, Sheriff Depute of Berwik, to try James Jamesoun in Craikstounscheillis, tenant of Sir Johne Cockburne of Ormestoun, knight, Justice Clerk, now in the custody of the said Sheriff Depute for the murder of Alexander Skynner, son of Alexander Skynner, elder, in Eister Starhill, at the town of Smyddiehill, on 15th June instant. Commissions.

Edinburgh, 23rd June 1614.

Sederunt—Chancellor; Bishop of St. Androis; Hammiltoun; Mar; Glencairne; Cassillis; Lotheane; Bishop of Caithnes; Roxburgh; Burley; Cranstoun; Binning; Master of Elphinstoun; President; Treasurer Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott; M^r George Young. Acta Oct. 1612–Nov. 1614. Fol. 106, b.

Declaration by the Earls Perth and Tullibardine and Lord Madertie concerning the slaughter of Mr. John Murray by Gavin Drummond.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Johnne, Erll of Perth, William, Erll of Tullibardin, and James, Lord Madertie, and declairit that thay nor nane of thame caryed ony grudge or miscontentment aganis utheris for the slaughter of umquhile M^r Johnne Murray, committit be Gawin Drummond, sone to Gawin Drummond of Kildeis, and that thay wald hald hand to the persute and apprehensioun of the said Gawin, and exhibitioun of him befoir the Justice, to be punist for the said slaughter" [*ante*, p. 243].

Robert Abroch Macgregor.

"The quhilk day Robert Abroche M^cGregour renunceit his name, and tooke the name of Ramsay; and the Lordis ordanit Sir George Ramsay to be tane cautionair for him." Sederunts. Fol. 94, b.

Edinburgh, 28th June 1614.

Sederunt—Chancellor; Bishop of St. Androis; Hammiltoun; Glencairne; Cassillis; Bishop of Caithnes; Burley; Blantyre; Cranstoun; Binning; Master of Elphinstoun; President; Treasurer Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott; M^r George Young. Acta Oct. 1612–Nov. 1614. Fol. 106, b.

Charge to the Lord and the Master of Ogilvie to keep the peace with the Marquis of Hamilton and his tenants and servants.

"Forsamekle as it is undirstand to the Lordis of Secreit Counsell that thair is some questioun and contraversie laitlie fallin oute betuix James, Marques of Hammiltoun, on the ane pairt, and James, Lord Ogilvie, and James, Maister of Oglivy, his sone, on the other pairt, whairupoun forder inconvenientis ar lyke to fall oute betwix thame, to the brek of his Majesteis peace and disquieting of the cuntrey, without remeid be providit: thairfoir ordanis letteris to be direct chargeing the saidis Lord and Maister of Ogilvy to find cautioun and souirtie actit in the bookis of Secreit Counsell that thay, for thame selffis, and takand the burdyne on thame for thair kin and freindis, and otheris whome thay may stop or latt, sall observe oure Soverane Lordis peace, keepe goode reule and quietnes with the said Marques of Hammiltoun, his kin and freindis, and that thay nor nane of thair causing, sending, hounding oute, Fol. 107, a.

Acta Oct. 1612-Nov. 1614.

command, ressett, assistance and ratihabitioun, whome thay may stop or latt, sall on nawayes invade, molest, harme, trouble nor persew the said Marques, his freindis, men, tennentis, or servandis, for quhatsomevir deid, caus, or occasioun, utherwayes nor be ordour of law and justice, under the pane following,—that is to say, the said Lord Ogilvy under the pane of ten thowsand merkis, and the said Maister of Ogilvy under the pane of fyve thowsand merkis; and that thay find the said cautioun in maner foirsaid within sax dayis nixtefter the charge, under the pane of rebellioun, &c. And, yf thay failyee, &c. to denunce, &c."

Sederunts. Fol. 94, b.

"The quhilk day the Marques of Hammiltoun wes commandit to remane in this toun quhill he find cautioun for keeping of his Majesteis peace with the Lord and Master of Ogilvy, under the pane of xx^{m} merkis." 28th June 1614. Marquis of Hamilton.

"Ane missive from his Majestie anent the house in Perth pertening to the laite Lord Sanquhair; and ane missive to the Lord of Scone accordinglie." Late Lord Sanquhar.

Acta Oct. 1612-Nov. 1614. Fol. 107, a.

Sederunt—Chancellor; Bishop of St. Androis; Cassillis; Lotheane; Bishop of Caithness; Roxburgh; Scone; Blantyre; Burley; Cranstoun; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Medop; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott; M^{r} George Young. Edinburgh, 30th June 1613.

"The quhilk day Sir James Steuart of Killeith, knight, his Majesteis takkisman and schireff of Orknay and Zetland, on the ane parte, and Michael Finla, Johnne M^{c}Kiesoun, and M^{r} Alexander Andro, fermoraris of his Majesteis customes, for thame selffis and in name of the remanent thair colligis fermoraris of the customes, on the other pairt, compeirand personalie before the Lordis of his Majesteis Previe Counsell, and thay being at lenth hard upoun that complaynte maid be the republique of Brem to his Majestie, tuitcheing the toill, exactionis and dewyteis upliftit of thame quhen thay have occasioun to repair to Orknay and Zetland in thair lauchfull trade, and tuitcheing the custome whilk, besyde the toill and otheris dewyteis, is of laite imposit upoun thame: it wes alledgeit be the said Sir James that all strangearis arryveing within the saidis boundis in thair lauchfull trade hes bene in use, past memoir of man, to mak payment to the Erllis of Orknay for the tyme of sax angellis and ane dolour of every ship for ground leave and watter leave grantit to thame within the saidis boundis, and that this dewitie hes bene maid compt of fra tyme to tyme in his Majesteis Exchecquer, and the payment thairof nevir heirtofoir quarrellit, and that his Majesteis awne subjectis doeth lykewayes pay ane certane toill and dewytie for ground leave and watter leave within the saidis boundis. And, tuitcheing the otheris dewyteis specifeit in the said complaynte, suche as barrellis of aill and maill, some elnis of cloathe, ane gilt hacquebute, and otheris Act anent the tolls and customs to be exacted from foreign ships arriving in Orkney or Shetland.

Fol. 107, b.

specifeit in the said complaynte, the said Sir James alledgeis saxtene or twentie yeiris possessioun thairof, and so cleirit him self that thair wes no novation maid be him in the exacting and uplifting of the said toile. And it wes alledgeit be the saidis customaris that thay and thair predicessouris fermoraris of the customes for the tyme hes bene in peaceable possessioun of uplifting of the customes of Orknay and Zetland thir xij yeiris bigane, and that thay have goode righte thairto, be vertew of the tak maid be his Majestie to thame of the haill customes outwards and inwards of this kingdome.—The Lordis of Secreit Counsaill haveing hard and considderit all that wes proponnit and alledgeit be bothe the saidis pairtyis in this mater, and understanding that the foirsaid toile dewytie of sax angellis and ane dolour of everye strangeair ship arryveing within the saidis boundis hes bene thankfullie and willinglie payit past memoir of man to the Erllis of Orknay for the tyme, and that compt thairof hes bene maid in his Majesteis Exchekquer, as being a pairt of the propir rent and patrimonye of the erldome of Orknay and Lordship of Zetland, thairfoir the saidis Lordis ordanis the said toil and dewytie of sax angellis and ane dolour of everie strangeair ship arryveing within the saidis boundis in thair lauchfull trade to stand, and to be payit to his Majestie and his successouris, thair comptrollaris, chalmerlanes and factouris in thair names, in all tyme comeing. And, tuitcheing the custome craved frome the saidis strangearis for the commodityis exportit and importit be thame furthe of the saidis boundis, the saidis Lordis undirstandis that the saidis customes propirlie belongis to his Majestie, and that all soverane princes within thair awne dominionis hes the fredome and previlege of customes as a royall prerogative of thair crowne, and that no persone, strangeair nor native subject, can with reasoun crave an immunitie and freedome frome payment of custome; and thairfoir the saidis Lordis ordanis the custome to stand, and to be payit in all tyme comeing to his Majestie, his comptrollaris and customaris. And, tuitcheing all the otheris dewyteis, toilis, and impositionis craved of the saidis strangearis, the saidis Lordis dischargeis the same *simpliciter*, and declairis the saidis strangearis to be free thairof in all tyme comeing; dischargeing the said Sir James Steuart, his deputis and undir ressavearis, off all asking, craveing, or uplifting fra the saidis strangearis ony of the saidis toilis, dewyteis, and impositionis, saulfing onlie the sax angellis and dolour for every ship,—dischargeing thame thairof, and of thair officeis in that pairt. And this present discharge to be without defalcatioun of ony pairt of the rent and dewytie quhairin the said Sir James standis oblist to his Majestie for the leving of Orknay." Acta Oct. 1612-Nov. 1614.

Commission for the apprehension of George and Walter Bannerman, at the horn for assault with pistols.

Commission under the Signet, signed by the Chancellor, St. Androis, Cassillis, Lotheane, Roxburgh, and David, Lord Scone, is given to the Sheriffs of Banff, Abirdene, and Kincairdin, and their deputies, and to Johnne Seytoun of Meldrum, William Forbes of Tolquhoun, M^r^ Johne Cheyne of Arnage, and Alexander Buchane of Auchmacoy, to apprehend and keep in prison, or present before the Lords, George Banerman of Nether Commissions. Fol. 190, a.

Commissions. Asleid, and Waltir Banerman, his brother, who were put to the horn, at the instance of Patrik Annand in the Maynis of Birnes, for not entering their persons within the Tolbooth of Edinburgh, and remaining there till their trial for attacking the said Patrik with pistollets and other weapons.

Sederunts. Fol. 96, a. "The quhilk day George, Erll of Caithnes, and Arthour, Lord Forbes, wer commandit to find cautioun for keeping of his Majesteis peace, ilkane with uther,—the Erll under the pane of x^m ℔. and the Lord under the pane of x^m merkis,—within xxiiij houris efter the date heirof, under the pane of horning." Earl of Caithness and Lord Forbes.

Commissions. Fol. 190, b. Moreis Stevin in , and James Hog in Yaralsyde, "being laitlie, upoun the of Junij, at the fair of Newcastell in England, and returning thairfra hameward, haveing ludgit the first nicht in Annik, and upoun the morne comeing fra Annik through the mure," the said Moreis Stevin, "knawing that the said James had a grite quantitie of gold and silvir upoun him," and thinking that place and time most fit for murdering and robbing him, "schamefullie, barbarouslie, and cruellie first fellit him behind his bak as thay wer walking togidder throughe the mure; and, he being fallin deid to the ground, he than with a grite braig gaif him a nomber of strykis in the bellie, and harlit him be the heillis to a buss of treis neirby, and thair hid him and left him lyand deid, aftir that he had robbed him of his purse and all that he had." Commission is therefore given to William, Lord Cranstoun, one of the Commissioners of the Middle Shires, in whose hands the said Moreis now is, and to the Sheriff of Roxburgh and his deputies, to try the prisoner for the said murder and theft.—Given under the Signet, and signed by the Chancellor, St. Androis, Cassillis, Lotheane, Roxburgh, and David, Lord Scone. 1st July 1614. Commission for the trial of Morrice Steven for the murder and robbery of James Hog when travelling with him over a moor.

Sederunts. Fol. 96, a. *Sederunt*—Bishop of Glasgow; Cassillis; Lotheane; Blantyre; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott; M^r G. Young. Edinburgh, 5th July 1614.

"Ane commissioun aganis Robert Steuart, base sone to Patrick, Erll of Orknay." Robert Stewart.

Acta Oct. 1612–Nov. 1614. Fol, 108, a. *Sederunt*—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Cassillis; Lotheane; Bishop of Caithness; Blantyre; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott; M^r George Yonng. Edinburgh, 7th July 1614.

Act entitling the Earl of Enzie to the fines on persons absent from the host and army for the pursuit of Cameron of Lochiel, on condition of the payment of a fifth part of the fines to his Majesty's Treasurer Depute.

"The Lordis of Secreit Counsaill haveing hard and considderit his Majesteis missive lettir direct unto thame quhairby his Majestie wes pleasit that all such personis as remanit and abaid at home fra the oist and armey quhilk convenit for the persute of Allane Camroun of Lochyell and his rebellious compliceis sould be callit and convenit befoir the saidis Lordis, and, being fundin guiltye, sould be fyned in certane pecuniall soumes answerable to thair severall rankis and degrees and at lenth specifeit and contenit in the said missive lettir, and that the saidis fynes sould be assignit to George, Erll of Enzee, for his panes and travellis tane in that service; and the saidis Lordis being weele advisit with the said missive letter, and haveing at lenth conferrit and consultit thairupoun with Sir Gedeone Murray of Elibank, knight, Thesaurair Depute of this kingdome: the saidis Lordis, with advise and consent of the said Thesaurair Depute, findis it meete and expedyent that all suche personis as remanit and abaid at home fra the said oist and armey salbe callit and convenit befoir his Majesteis Counsell for that caus, and, being fundin guiltye, thay salbe fyned according to the directioun of his Majesteis said missive lettir, and that the saidis soumes and fynes salbe assignit to the said Erll of Enzee,—with this provisioun and conditioun, that the said Erll of Enzee salbe haldin to mak payment to the said Thesaurair Depute in his Majesteis name of the just fyft pairt of the saidis haill fynes and soumes that salbe intromettit with and upliftit be him and be his directioun for this caus." Acta Oct. 1612-Nov. 1614. Fol. 108, a.

"Followis his Majesteis missive lettir for the act abovewrittin:—Right trustie and right weilbelovit cosine and counsellour, and right trustie and weilbelovit counsellouris, we greet you weele. Whereas we ar credibillie informit that divers personis of all rankis have dissobeyit oure proclamatioun maid for concurrence aganis Allane M°Eanduy and his compliceis, it is our pleasour that you caus particulair inquirie to be maid for thame, and punishe thame by imposing severall fynes on every one of thame according to thair severall degrees: that is to say, ane erll ane thowsand pundis, on a lord ane thowsand merkis, on a barone fyve hundreth pundis, on a gentilman landit fyve hundreth merkis, on a yeeman according to thair habilitye and the better soirt of thame to pay ane hundreth pundis Scottis. And these fynes, so to be leveyed, it is our Fol. 108, b pleasour that you assignne to George, Lord Gordoun, for his panes takin in the said service. And so we bid you fairweele. At our mannour of Ritchemont, the last day of Junij 1614. To oure right trustie and weilbelovit cosine and counsellour the Erll of Dunfermelyne, oure Chancellour, and to oure right trustie and weilbelovit counsellouris the remanent Lordis and otheris of oure Previe Counsell in our kingdome of Scotland."

Pirate ship.

"Ane act anent [ane] pirott ship tane in Orknay."

Sederunts. Fol. 96, a.

Edinburgh, 12th July 1614.

Sederunt—Chancellor; St. Androis; Glasgow, Cassillis; Lotheane; Bishop of Caithnes; Blantyre; Binning; President; Master of

Sederunts. Fol. 96, a.

Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Medope; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott; M^r G. Young.

Commissions. Fol. 191, a.

Commission for the apprehension of Jesuits and seminary priests in Caithness.

Commission under the Signet, signed by the Chancellor, Sanctandrois, Cassillis, Glasgow, Blantyre, and Bynning, to Alexander, Bishop of Caithnes, George, Earl of Caithnes, William, Lord Sinclair of Berridaill, James Sinclair of Murkill, David Sinclair of Duny, William Bruce of Stamstell, Johne Sinclair of Ratir, and Suderland of Forte, to apprehend and exhibit before the Council sundry Jesuits, seminary priests, excommunicated and trafficing papists, "verie daungerous pestis in this commonwele," who frequent the diocese of Caithnes north of the hill of the Ord, where they busy themselves by dispersing books and giving public and private discourses, in order to divert the simple and ignorant people from the true religion to popish errors and superstitions.

Acta Oct. 1612–Nov. 1614. Fol. 108, b.

Edinburgh, 14th July 1614.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Mar; Cassillis; Lotheane; Bishop of Caithnes; Roxburgh; Blantyre; Binning; Master of Elphinstoun; President; Treasurer Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott; M^r George Young."

Warrant for the payment to Mr. Patrick Gordon, of the 6000 merks voted to his Majesty by the Convention of Burghs for the expenses of the prosecution of Stercovius.

"Forsamekle as in a particulair Conventioun of the Burrowis haldin at Edinburgh upoun the tent day of December 1613 thair wes ane free and willing offer maid to the Kingis Majestie be the commissionaris of burrowis thair convenit, in name of the haill burrowis of this kingdome, of the soume of sax thowsand merkis money of this realme, to be payit be the saidis haill burrowis to his Majesteis Thesaurair of this kingdome [*see* p. 191]; and the Lordis of his Majesteis Previe Counsell and Commissionaris of his Majesteis Rentis undirstanding perfytelie that it is the Kingis Majesteis will, pleasour, and directioun that the foirsaid soume salbe gevin to Mr. Patrik Gordoun, his Majesteis agent in , for the chargeis and expensis bestowit and advanceit be him and utheris in the persute of that infamous libellair Stercovius, who write and publist suche ane infamous booke aganis all esteatis of personis in this kingdome, and that the said soume (althoght the caus of the offer thairof be the Burrowis be suppresst and concealled in thair act) wes onlie destinat and appointit to be payit and gevin to the said Mr. Patrick Gordoun for that caus:—thairfoir the saidis Lordis, upoun sure knowledge of the Kingis Majesteis will and pleasour in this mater, ordanis and commandis Sir Gedeone Murray of Elibank, knight, Thesaurair Depute, to mak payment and delyverance to the said M^r Patrik Gordoun of the foirsaid soume of sax thowsand merkis, in haill or in pairtis according as he sall ressave the same frome the Burrowis: wheranent the extract of thir presentis, with the said M^r Patrik his acquittance, salbe unto the said Thesaurair Depute ane sufficient warrand."

14th July 1614. Question of privilege between Andro Hart, bookseller, and the other booksellers and printers of Edinburgh, as to the importation of foreign books.

"The Lordis of Secreit Counsaill haveing at lenthe hard Richard Lawsoun, James Cathkine, and Andro Hairt, bookesellaris in Edinburgh, and Thomas Finlasoun, printer, who wer all personalie present befoir the saidis Lordis, anent the present difference and questioun standing betuix the said Andro Hairt and thame upoun occasioun of ane signatour laitlie purchest be the said Andro under his Majesteis hand gevand pouer to him to imprent, bring home, and sell certane volumes and bookis at lenth specifeit and contenit in the said signatour; quhilk signatour being produceit befoir the saidis Lordis and red in their audience, and thay haveing at lenth considderit the same, and being weele advisit with all that wes proponit and alledgit be bothe the saidis pairtyis in the mater, the Lordis of Secreit Counsell findis, decernis, and declairis that, seeing the prenting and homebringing of bookis is ane calling wherein all esteatis and rankis of personis of this kingdome fra tyme to tyme hes entres, in respect of the daylie use thay haif of bookis bothe for thame selffis and thair childrene,—very commendable, necessair, and convenient for the weele of the cuntrey, and for the furtherance and intertenying of verteu, letteris, and learning within the same,—and that the Kingis Majestie in that consideratioun hes dischairgeit all custome to be tane of thir samin bookis,—that thairfoir the fredome, libertie and previledge [of] prenting, homebringing, and selling of all suche bookis and volumis quhilkis ar allowit and nowise forbiddin be his Majesteis lawis, and seene and approvin be the tua Archiebishoppis of St. Androis and Glasgu, sould and aught be free to all his Majesteis subjectis of this kingdome, and that the said fredome, libertie, and previlege can not be conferrit and gevin to ony one persone without the grite hurte and prejudice of the cuntrey, becaus every suche privat and plane fredome, libertie, and previlege is not onlie a monopolie of ane evill preparative and example, bot will gif occasioun to alter and raise, hicht, and change the pryces of all bookis and volumes at the appetite and discretioun of the persone or personis in whose favouris the said previlege salhappin to be conferrit; and for this effect the saidis Lordis ordanis the gift and previlege purchest be the said Andro Hairt to be stayed, and on nawise to be past nor exped." Sederunts, Fol. 96, b.

Edinburgh, 15th July 1614.

Sederunt—Bishop of Glasgow; Binning; Blantyre; Master of Elphinstoun; President; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Sir Andro Ker. Acta Oct. 1612–Nov. 1614.

Lord Sanquhar and Lord Kilmaurs confess to challenges received by them from the younger Douglases of Drumlanrig.

"The quhilk day Williame, Lord Creichtoun of Sanquhair, and Williame, Lord Kilmawers, being send for frome thair ludgeingis be the Lordis of Secreit Counseill, and demandit yf thair had past ony cartallis or challangeis betuix thame and Williame Douglas, appeirand of Drumlangrig, and James Douglas of Mouswall, his bruther, and being poisit upoun thair oathe to declair the treuthe and veritie of that mater, thay confest and declairit that thay had ressavit cartallis and challangeis Fol. 109, a.

Acta Oct. 1612-Nov. 1614.

frome the saidis personis, quhilkis thay exhibite in presence of the saidis Lordis."

Promise by the said Lords and by Cunningham of Caprintoun in the said matter.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Williame, Lord Creichtoun of Sanquhair, Williame, Lord Kilmawers, and Williame Cunynghame of Caprintoun, and gaif thair grite and solemne oathe that thay nor nane of thame sall at no tyme heirefter, be worde, write, or message, direct nor send ony challange, cartall, or lettir of provocatioun to Williame Douglas, appeirand of Drumlangrig, and James Douglas of Mouswall, his bruther, nor to nane otheris for thair caus, and that thay sall ressave nor answer no challange, cartall, nor lettir of provocatioun whilk hes bene or salbe direct and send to thame frome the said Laird of Drumlangrig and his said bruther, nor keepe no tryistis, appointment, nor meeting with thame upoun occasion thairof; but, yf ony suche challange, cartallis, lettiris of provocatioun, or commissioun for challange, &c., salbe direct and send unto thame, that thay sall reveill the message and commissioun to the saidis Lordis, and produce and exhibite befoir thame all suche challangeis, lettiris, and cartallis as salbe direct unto thame and ressavit be thame, or ony in thair names, as thay will answer to God and his Majestie upoun thair faith, honnour, and credite."

Charge to the younger Douglases of Drumlanrig to appear and answer for their challenges sent to several noblemen.

"Forsamekle as it is undirstand to the Lordis of Secreit Counsell that Williame Douglas, appeirand of Drumlangrig, and James Douglas of Mouswall, his bruther, hes of laite writtin and directit some cartallis and challangeis of provocatioun to noblemen of honnour, rank, and credite, quhairby as thay haif verie far overseene thame selffis, and most heichlie contempnit his Majestie and violat his lawis and actis of Parliament, swa thay haif done quhat in thame lyis to brek his Majesteis peace, and to procure grite troublis and inconvenientis in the cuntrey, without remeid be providit: thairfoir the saidis Lordis ordanis lettiris to be direct chargeing the saidis Williame Douglas, appeirand of Drumlangrig, and James Douglas, his bruther, at thair ludgeing within the burgh of Edinburgh, and be oppin proclamatioun at the mercat croce of Edinburgh,—quhilk the saidis Lordis declairis to be als lauchfull as yf he [thay] wer personallie apprehendit,—to compeir personalie befoir the saidis Lordis upoun the xvj day of July instant at aucht of the cloke in the morning, to answer to the premisis, undir the pane of rebellioun, &c., with certificatioun, &c."

Sederunts. Fol. 97, a.

Lords Kilmaurs and Sanquhar.

The Lords order the Lords Kilmaueris and Sanquhair, and the Laird of Caprintoun, to find cautioun for keeping the peace, the said Lords for £10,000, and the said Laird for 10,000, merks.

John Douglas.

Johnne Douglas of the Lathe, servitor to the Laird of Drumlangrig, is committed to the Tolbooth for "overseeing" himself in his deposition and examination before the Council.

Robert Knox and William Middlemest.

"The quhilk day Robert Knox wes exhibite befoir the Counsell, and committit to warde within the Tolbuithe; and Williame Middlemest wes relevit of his warde."

William Middlemest. "Sir Robert Steuart cautioun for William Middlemest, that he sall remane within this burgh quhill he be fred, under the pane of j^{m} merkis."

Edinburgh, 16th July 1614. *Sederunt* — Bishop of Glasgow; Roxburgh; Blantyre; Burley; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Ker; Mr George Young. Acta Oct. 1612–Nov. 1614. Fol. 109, b.

Young Drumlanrig and his brother committed to ward in the Castle of Edinburgh. "The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Williame Douglas, appeirand of Drumlangrig, and James Douglas of Mouswall, his bruther, for obedience of the charge execute aganis thame for that effect; and, thay being demandit yff thay had writtin or directit ony cartallis or challangeis to the Lordis Sanquhair and Kilmawers, thay confest and grantit that thay had writtin and directit lettiris unto thame, and that the lettiris produceit and showne unto thame wer the same very lettiris whilkis wer writtin and directit be thame. In respect of the quhilk confessioun and grant maid be the said Williame Douglas and his bruther, the Lordis of Secreit Counsaill findis and declairis that thay have committit ane verie grite offence, of an evill preparative and example, and thairfoir ordanis thame to be committit to warde within the castell of Edinburgh, thairin to remane upoun thair awne expensis ay and quhill the saidis Lordis tak forder ordour with thame as apperteynis."

Edinburgh, 19th July 1614. *Sederunt*—Chancellor; St. Androis; Glasgu; Cassillis; Lotheane; Bishop of Caithness; Roxburgh; Blantyre; Burley; Binning; Master of Elphinstoun; President; Treasurer Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Medop; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott; Mr. G. Young. Sederunts. Fol. 97, b.

Obligation by Duncan Mitchell. "The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Duncane Mitchell, poist in Edinburgh, and gaif his grite and solemne oathe that he could gett nane that wald be cautionaris for him for his personall compeirance before the Counsell when he salbe chargeit to that effect; and thairfoir he actit himself upoun his grite and solemne oathe that he sall compeir personalie befoir the saidis Lordis whenevir he salbe lauchfullie chargeit to that effect, upoun sax houris wairning he being within this burgh for the tyme, and upoun three dayis wairning he being outwith the said burgh, and answer to suche thingis as salbe layed to his chairge."

Edinburgh, 21st July 1614. *Sederunt*—Chancellor; Sanctandrois; Glasgu; Lotheane; Bishop of Caithnes; Roxburgh; Scone; Blantyre; Burley; Cranstoun; Binning; Master of Elphinstoun; President; Treasurer Depute: Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Ker; Sir Peter Young; Sir Johne Arnott. Sederunts. Fol. 97, b.

Commissions. Fol. 191, b.

Commission under the Signet, signed by the Chancellor, St. Androis, Glasgow, Lotheane, Roxburgh, David, Lord Scone, and Blantyre, to the Sheriff of Murray and his Deputies, and William Sutherland of Duffus, to try Angus and Hucheoun Murray, sons of Andro Murray, sometime in Cragy, apprehended by John, Earl of Sutherland, and others (*ante*, p. 223), for the murder of Donald Angus Gairsone, and now in the keeping of the said William Sutherland. The commission is granted because it will be "hard and difficult to bring the saidis personis heir to our burgh of Edinburgh to abyd thair tryall, in respect thay wer hurte in the taking and can not goodlie be transportit; as alsua it wilbe verie troublesome to bring ane assyse heir out of the cuntrey for that mater."

Commission for the trial of Angus and Hutcheon Murray, apprehended for murder.

Acta Oct. 1612–Nov. 1614. Fol. 109, b.

[Sederunt not recorded.]

Edinburgh, 25th July 1614.

"Forsamekle as it is understand to the Lordis of Secreit Counsell that laitlie, upoun the xxiiij day of July instant, thair hes fallin oute a grite mischeif and trouble betuix Sir Patrik Hepburne of Wauchton, one the ane pairt, and Robert Douglas and Robert Broun on the other pairt, in the whilk trouble umquhile Mr. Frances Bothuill is unhappilie slane; wherupoun forder inconvenientis ar lyke to fall oute, to the brek of his Majesteis peace and disquieting of the cuntrey, without remeid be providit: Thairfoir the saidis Lordis ordanis lettiris to be direct, chargeing the said Laird of Wauchtoun, personalie or at his dwelling house, and the said Robert Douglas be oppin proclamatioun at the mercat croce of Hadingtoun,—admitting the same als lauchfull as yf he wer personalie chargeit,—to compeir personalie befoir the saidis Lordis upoun the 26 day of July instant, to answer to the premisis and to suche thingis as salbe inquirit of thame concerning the same, and to underly such ordour as salbe tane thairanent, under the pane of rebellioun and putting of thame to the horne, with certificatioun to thame and thay failyes letteris salbe direct *simpliciter* to putt thame thairto."

Feud between Sir Patrick Hepburn of Waughton and Robert Douglas: parties cited.

Fol. 110, a.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Cassillis; Lotheane; Bishop of Caithnes; Roxburgh; Blantyre; Burley; Binning; Master of Elphinstoun; President; Treasurer Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott; Mr. George Young.

Edinburgh, 26th July 1614.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Johnne Cokburne of Clerkintoun, and acceptit upoun him the office of schirefship of the constabularie of Hadingtoun, and gaif his oathe *de fideli administratione*."

Cockburn of Clerkington and the sheriffship of Haddington.

This entry begins by referring to letters of citation to Sir Patrick Hepburn of Waughton and Robert Douglas (now described as "sone to umquhile Douglas, persone of Lochermachus") to appear this day to

In the matter of the feud between Hepburn of Wauchton and Robert Douglas.

answer for their feud, and then proceeds:—"quhilk being callit, and the said Sir Patrik Hepburne compeirand personalie, and the said Robert Douglas being oftymes callit and not compeirand, the Lordis of Secreit Counsaill ordanis lettiris to be direct to denunce the said Robert Douglas rebell, and to putt him to the horne, and to escheit, &c., and ordanis the said laird of Wauchtoun to find cautioun and souirtie actit in the bookis of adjornall that he sall compeir befoir oure Soverane Lordis Justice and his deputis the thrid day of the nixt justice air of the schirefdome quhair he duellis, or sounair upoun a xv dayis wairning, and underly the lawis for the slaughter of umquhile Robert Broun committit at the tyme foirsaid, under the panes contenit in the Actis of Parliament." Acta Oct. 1612-Nov. 1614.

Interim sheriffship of Haddington.

Commission to Johnne Cockburne of Clerkingtoun and his deputies to hold the office of Sheriff within the Constabulary of Hadingtoun till the 1st August 1615. Signed by the Chancellor, Sanctandrois, Cassillis, Glasgow, R. Cokburne, and J. Cockburne. Commissions. Fol. 192, a.

Pirate ship.

"Ane act anent the pirott ship tane in Orknay." Sederunts. Fol. 98, a.

Islesmen presented by Sir Rory MacCleod of Dunveggan.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Sir Rory M^cCleude of Dunveggane, and broght, presentit, and exhibite befoir the saidis Lordis Malcolme Coigache M^cEane V^cIntagart, Callum Dow M^cAllaster, Donald M^cAngus M^cGilli-[challum], Rory M^cNeill M^cCleud, Gillichallum M^cInreoch, and Innes M^cEwer; quhilkis six personis wer committit to warde in the Tolbuithe of Edinburgh quhill ordour be tane for thair tryall as apperteynis."

Sir Rory MacCleod.

"The quhilk day the said Sir Rory wes committit to warde within the Castell of Edinburgh, as being at the horne for not exhibitioun befoir the saidis Lordis of Donald M^cAngus V^cEane M^cIntagart, Malcolme M^cRorie M^cCleude, and M^cDonald M^cGillimichaell M^cAngus, conforme to the decreit standing aganis him."

Earl of Caithness and Lord Forbes.

"The quhilk day the Lordis of Secreit Counsaill, with consent of George, Erll of Caithnes, and Arthour, Lord Forbes, continewit all actionis and causis concerning thame, depending and intentit befoir the saidis Lordis, in the same force, forme and effect as thay ar presentlie, but prejudice of pairteis, unto the first Counsail day of Marche nixttocome."

Edinburgh, 28th July 1614.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Cassillis; Lynlythgow; Roxburgh; Binning; Bishop of Caithnes; Master of Elphinstoun; President; Treasurer Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott; M^r George Young. Acta Oct. 1612-Nov. 1614. Fol. 110, a.

Reconciliation between the Lords Sanquhar and Kilmawers and

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Williame, Lord Creichtoun of Sanquhair, William, Lord Kilmawers, and Williame Cunynghame of Caprintoun, on the ane pairt, Fol. 110, b.

Acta Oct. 1612–Nov. 1614.

and Williame Douglas, appeirand of Drumlangrig, and James Douglas, his bruther, on the other pairt [*ante*, p. 254]; and, it being reportit unto the saidis Lordis, in name of the saidis Williame and James Douglasis, that thay confest and declairit that the lettiris and cartallis whilkis thay had writtin and send to the saidis Lordis Sanquhair and Kilmawers, whairin some mentioun wes maid of the said Laird of Caprintoun, procedit upoun a suddane passioun and youthheade, without advysement and not upoun foirthoght malice, and that they wer sorie and repentit that in suche a point thay had offendit, and that thay acknoulegeit and estemit the saidis Lordis Sanquhair and Kilmawers to be noblemen of honnour, valour, credite, and courage, and of sufficiencie fitting and beseaming noblemen; and the said reporte and declaratioun maid in name of the saidis Williame and James being ratifeit be thame in audience of the saidis Lordis, and in the presence of the saidis Lordis Sanquhair and Kilmawers and of the said Laird of Caprintoun, and thay being demandit be the saidis Lordis yf thay wer content and satisfeit with the said declaratioun and wald accept the same as a full and perfyte satisfactioun and accordinglie wald be reconsiliat and aggreit with thair pairty, they declairit that thay wer content with the said declaratioun and wald accept the same as a full and perfyte satisfactioun for ony offence committit aganis thame in that mater. Quhairupoun thay and the saidis Williame and James Douglasis then presentlie choppit handis in presence of the saidis Lordis, and renunceit all rancour, haitrent, and malice standing betuix thame for ony caus bigane, and promeist to keepe freindship ilkane with utheris in all tyme comeing." the young Douglases of Drumlanrig.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Williame Douglas, appeirand of Drumlanrig, and James Douglas, his bruther, and gaif thair grite and solemne oathe that thay nor nane of thame sall at no tyme heirefter, be worde, write, nor message, direct nor send ony cartallis, challangeis or lettiris of provocatioun to Williame, Lord Sanquhair, Williame, Lord Kilmawers, and Williame Cunynghame of Caprintoun, nor to nane otheris for thair caus, and that thay sall ressave nor answer na challange, cartall, nor lettir of provocatioun whilk salbe direct and send unto thame frome the saidis Lordis Sanquhair, Kilmawers, and Laird of Caprintoun, nor keepe no tryst, appointment, nor place of meeting with thame upoun occasioun thairof. Bot yf ony suche challange, cartallis," [&c., as on p. 253]. Promise on oath by young Drumlanrig and his brother.

Fol. 111, a.

"The Lordis of Secreit Counsell, in respect of the present reconsiliation and aggreement betuix Williame, Lord Sanquhair, Williame, Lord Kilmawers, and Williame Cunynghame of Caprintoun, on the ane parte, and Williame Douglas, appeirand of Drumlangrig, and James Douglas of Mouswall, his bruther, on the other pairt, dischargeis all actis quhairby thay and thair cautionaris wer actit, bundin, and oblist in the bookis of Secreit Counsell for observatioun and keeping of his Majesteis peace ilkane of thame with otheris, undir certane panes mentionat and contenit in the saidis actis: As alsua dischargeis the act quhairby the said Discharge of former acts concerning the feud between Lords Sanquhar and Kilmaurs and the Douglases of Drumlanrig.

Williame and his said bruther and thair cautionaris wer oblist for thair keeping of warde within thair ludgeing in this burgh; and decernis and declairis all the saidis actis to be voyde, and to haif no strenth, force, effect nor executioun at ony tyme heireftir. And this present discharge on nawayes to be extendit to the actis quhairby the saidis personis hes maid and gevin thair solemne oathis that thay sall not challange ane another be worde, write, message, or commissioun; quhilkis actis, in the forme and tennour as thay ar consavit and sett doun, the saidis Lordis decernis and ordanis to stand in full force, and to haif effect and executioun in all tyme comeing conforme to the tennour thairof." Acta Oct. 1612-Nov. 1614.

Act relieving five Fifeshire ministers from their ward.

"The Lordis of Secreit Counsaill, according to ane warrand and direc- Fol. 113, b.
tioun in wryte send unto thame frome the Kingis Majestie, frethis and relevis Maister Williame Row, Maister Johnne Carmichaell, Maister Williame Scott, M^r Williame Watsoun, and M^r Johnne Skryngeour frome thair present warde and confyneing, and gevis and grantis unto thame libertie and licence to resoirt and repair to all such pairtis and placeis of this kingdome as thay pleis; wheranent thir presentis salbe unto thame a warrand."

"The Kingis Majesteis missive for the warrand of the act abone-writtin—Right trustie and right weilbelovit cosine and counsellour, and right trustie and weilbelovit counsellouris, we greete you weele:—Whereas certane ministeris, namelie, Maisteris Williame Row, Johnne Carmichaell, Williame Scott, Williame Watsoun, and John Skryngeour, have bene for certane yeiris bigane confyned within a limited space of aboade severallie appointit to eache of thame, we have thoght goode, for certane reasonis thairunto moving us, to will and require yow to enlarge thame oute of thair saidis confynes, geving thame libertie to resoirt to ony suche place as thay pleas in that oure kingdome. And, heirin willing yow not to faill, we bid you fairweele. At our mannour of Greenewiche the xiiij of Junij 1614."[1]

Douglases of Drumlanrig.

"The quhilk day young Drumlangrig and his bruther wer fyned Sederunts.[2] Fol. 98, b.
in the soume of three thousand merkis, for writting and directing of cartallis to the Lordis Sanquhair and Kilmaweris." [*This is expanded on fol. 99,* b.]

Drunkards.

"Ane act anent drunkardis."

[1] Mr. John Carmichael, minister of Kilconquhar, Mr. William Scot, minister of Cupar, and Mr. William Watson, minister of Burntisland, had been among those six Presbyterian ministers "of greatest learning and experience" who had been summoned to London in September 1606, along with Andrew and James Melville, to confer with the King and with an equal number of Scottish prelates or prelatical ministers on the affairs of the Scottish Church, and who, after having been detained about eight months in London, had been sent home in discredit and under supervision, while the two Melvilles were kept still in banishment. See *ante*, Vol. VII. pp. lvii–lix. The offences of Row and Scrymgeour had been for their conduct in 1607 in the matter of the Constant Moderatorships, the one in the Synod of Perth, the other in the Synod of Fife. See same volume, p. lxvii, p. 441, and p. 540. The five, it thus appears, had been under penalties for full seven years.

[2] The names of the Earl of Roxburgh and Lord Binning do not appear in the *Book of Sederunts* as present at this point.

Sederunts. "That missives be written to the landislordis of the Clangregour to be heir the 23 of August nixt." Clangregor.

"Chargeis aganis the Lairdis of Wauchtoun and Quhittinghame to be heir the third of August nixt." Lairds of Wauchton and Whitting-hame.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie George Leslie of Crechie, and gaif his grite and solemne oathe that he can gett nane quho will become cautionaris for him that Fol. 99, b. he sall keepe his Majesties peace with Leslie of Wardes, his nephew; and thairfoir be gaif his grite and solemne oathe, and thairwith actit and oblist him, that he sall observe our Soverane Lordis peace, keepe goode reule and quietnes with the said Leslie of Wardes," &c. Obligation by Leslie of Crechie.

The *Minute Book of Processes* gives the following memoranda collectively for the month of July 1614:— Minute Book.

Oppressione: James M^cMath against James Boswall.

Decreit of ryott: Robert Greir against Maxwell of Dunwody.

Rebellion: Joseph Douglas against Alexander Lauder.

Oppressione and ryott: Rodger Plott against David Scott.

Rebellion: Walter Gairdin against James Strauchan.

Rebellion: William Orme against David Sibbald.

Act ordaining letteris to charge Robert Stewart, &c., to delyver up the castle of Birsay in Orkney.

Ryott: Johne Gay against Andro Thomson.

Ryott and deforcment: Johne Layng against Robert Cairncroce, &c.

Oppressione: Sir Archibald Douglas against Patrik Hepburne.

Proces: Advocatt against Sir Rory M^cCleud, &c., for exhibiting Rory M^cNeill M^cCleud, rebell.

Rebellion: Archibald Cuningham against Lord Thortorwald.

Act ordaining letteris for fyning such persones as abod at home from the persute of Camron of Lochyell.

Rebellion: Johne Maxwell against James Lidderdale.

Contraventione of cautione for wearing pistollettis: Advocat against Walter Bannerman.

Protestation: Lord Fraser against Colin Campbell.

Rebellion: William M^cCartney against Robert Hay.

Warrand to cite William Midlmest to answer upon his undewtifull cariag as constable of Dumbarton Castle.

Advocat against Banerman for wearing pistollettis.

Proces: Inhabitantis of Newbotle against the Baylies of Dalkeith for exacting custom contrar thair commissione.

Letteris: Mr Patrik Galloway against the Lord Scone, to exhibit Patrik Bruce.

Minute Book. Act and warrand to the Thesaurair Deputt to pay to Mr. Patrik Gordon 6000 merkis.

Rebellion: Sir James Lundy against Sir Hary Lindsay.

Rebellion: Sir Robert Hamilton against James Hamiltoun.

Rebellion: Cristean Foord against Sir Robert Melvill.

Violence and oppressione: Earle Tullibardin against Johne Forbes.

Suspensione: Robert Crichtoun against Johne M^{c}Math.

Suspensione: Sir Duncan Campbell against Johne Millar.

Rebellion: James Darling against William Gourley.

Rebellion: Robert Forrester against William Edmestoune.

Rebellione: James Dalzell against William Stewart.

Rebellion: Robert Rollok against Gilbert and Johne Ryndis.

Imprisonment: Johne Forbes against William Murray.

Rebellion: Hercules Guthry against Patrik and Laurenc Oliphantis.

Rebellion: Johne Reid against Archibald Cunyngham.

Rebellion: Helen Spenc against Robert and Alexander Stewartis.

Act giving libertie to all bookesellaris to import and sell all unforbidden bookis notwithstanding of Andro Hart his pretendit patent for that effect only.

Proces: Maxwell of Newark against George Montgomrie for keiping the peace unviolable betuixt Glencarn and Eglintoun.

Rebellion: William Walker against Alexander and William Nairnes.

Act ordaning letteris to charge Douglas of Drumlanrig and his brother for directing cartallis.

Oppression: Johne Lesly against George Lesly.

Rebellion: James Cleghorn against Sir James Crichtoune.

Rebellion: Sir Johne Vause against James Kennedy.

Letteris: Alexander Mitchelsone, &c., against Walter Cairncroce, &c., to warrand ane letter of slaynes.

Rebellion: Robert Douglas against Hendry Douglas.

Imprisonment: William Cutler against the Baylies of Leith.

Rebellion: Patrik Hamiltoun against the Lord Sinclar.

Rebellion: James Tuedy against William Chancellar.

Rebellion: David Wedderborne against David Ramsey,

Rebellion: Duncan Forrester against Alexander Forrester, &c.

Ryott: Hary Smeittoun against Peter Murray.

Oppression: Johne Galt against Fairley and utheris.

Rebellion: Earle Drumfermlin against Sir William Home.

Precognition: Against Andro Hendersone and the Lord Scone.

Warrand to direct letteris at the instance of George Jacobson against the Schireff of Orkney for delyverie of his ship.

Precognitione: Against Heborne of Wauchtoun and Robert Douglas.

Ryott: William Carmichaell against James Scola.

Ryott: Johne Smith against Johne Rob.

Rebellion: Mr James Hamiltoun against Georg Auchinlek.

Proces: Sleich and Ronald against Donaldsone, craving absolvitour from mutilatione of the persewer. Minute Book.

Suspension: James Scola against William Carmichaell.

Ryott: Robert Bruntfeild against Alexander Ramsey.

Ryott: Robert Irwing against Alexander Burnett.

Rebellion: Fergus Lyn against Davie Forrett.

Protestation: William Hoome against Mr Alexander Lauder.

Proces: Magistrattis of Bruntilland against Andro Stewart for publishing of a false and scandalous lybell against the magistrattis at the croce thairof.

Ryott: David Nairne against Fredrik Elphinstoun.

Oppression: Mr Johne Douglas against Patrik Porteous.

Rebellion: Robert Guthry against the Lord Sinclar.

Rebellion: Douglas against Hamiltoun.

Acta Oct. 1612–Nov. 1614. Fol. 111, a.

Sederunt—Chancellor; Bishop of Glasgow; Cassillis; Scone; Burley; President; Treasurer Depute; Privy Seal; Clerk of Register; Advocate; Medop; Sir Andro Ker; Sir Johnne Arnott; Mr George Young. Edinburgh, 3rd August 1614.

"Forsamekle as ordour and directioun is gevin for repairing of the decayit housis within the Castell of Edinburgh, and for monting of the ordinance and munitioun within the same, and to the effect that thir workis may be the better perfytit and accomplisheit, the Lordis of Secreit Counsaill gevis and grantis libertie and licence to James Murray, maister of his Majesteis workis, to stop, tak doun, and stryke oute passageis, doris, windois, and utheris rowmes in that pairt of the east quarter of the said castell whilk is now appointit to be repairit and reedifeit for the bettir accommodating of the same. As alsua to brek three auld irne slingis now lyand in the said castell, quhilkis ar not meete nor able for service, and to imploy the same upoun the garnissing of his Majesteis ordinance within the said castell. For the doing of the quhilkis premisis the extract of thir presentis salbe unto the said maister of worke ane sufficient warrand." Warrant to James Murray, master of his Majesty's works, for certain repairs in the Castle of Edinburgh.

Sederunts. Fol. 100, a.

"The Lordis excuisis the absence of the Master of Elphingstoun till Martymes nixt." 3rd August 1614.

"Submissioun past betuix the Lord of Scone and Andro Hendirsoun." Master of Elphinstone.

"Commissioun and utheris actis and letteris to Robert Menteith anent the rebellioun in Orknay." [See *Book of Isles.*] Lord Scone and Andrew Henderson. Orkney.

"Certane actis anent the Yllismen." [See *Book of Isles.*] Islemen.

Sederunt—Chancellor; Binning; Burley; President; Clerk of Register; Advocate; Sir Andro Ker. 4th August 1614.

"Ane act concerning the Erll of Caithnes his promeis to send over ane hundreth men to Orknay." [See *Book of the Isles.*] Earl of Caithness.

Ship for Orkney.

"Aggreement betuix the Lordis and Johnne Steuart, maister of the ship callit the Poist of Leythe, anent the fraucht of his ship to Orknay. [See *Book of the Isles.*] Sederunts. Fol. 100, a.

Earl of Orkney.

"A missive direct to Williame Middlemest, Constable of the Castell of Dunbartane, to keepe the Erll of Orknay cloise prisouner; to remove his awne servandis from him, and to appoint one of his constablis servandis to attend upoun him; to suffer nane to haif access unto him, nor conference with him; nor no letteris to be caryit to or fra him: as the said Constable will answer upoun the perrell of his lyffe."

Edinburgh, 6th August 1614.

Sederunt—Binning; Burley; Bishop of Orknay; President; Treasurer Depute; Advocate.

Earl of Caithness.

"Certane actis anent the Erll of Caithnes his acceptatioun of the office of lieutennandrie for suppressing of the rebellioun in Orknay." [See *Book of the Isles.*]

Castle of Dunivaig.

"Ane commissioun ordanit to be past to the surprising of the Castell of Dunnyvaig."

Edinburgh, 8th August 1614.

Sederunt—President; Treasurer Depute; Clerk of Register; Advocate. Fol. 100, b.

Orkney.

Proclamation anent the rebels of Orknay. [See *the Book of the Isles.*]

Edinburgh, 11th August 1614.

Sederunt—Cassillis; Binning; President; Treasurer Depute; Medop; Advocate.

Edinburgh Castle.

"Certane actis anent the delyverie of some ordinance furthe of the Castell of Edinburgh.' [See *the Book of the Isles.*]

12th August 1614.

Sederunt—Binning; President; Treasurer Depute; Advocate.

Stewart of Killeith.

"Actis concerning Sir James Steuart of Killeith." [See *the Book of the Isles.*]

Edinburgh, 24th August 1614.

Sederunt—Chancellor; Ergyll; Lynlythqw; Abircorne; Lotheane; Binning; Cranstoun; President; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Bruntyland; Medop; Sir Johnne Arnott. Acta Oct. 1612–Nov. 1614. Fol. 111, b.

Act anent the payment of the second term of the taxation of October 1612.

"Forsamekle as the secund termes payment of the taxatioun of ij^{c}xl^{m} ℔. grantit to oure Soverane Lord in the moneth of October j^{m}.vj^{c}xij yeiris is now bigane at the feist and terme of Witsonday last bipast, thairfoir the Lordis of Secreit Counsaill ordanis letteris to be direct chargeing all and sindrie archiebischoppis, bischoppis, abbotis, prioris, and all noblemen, and utheris in whose favour the erectioun of ony placis, or other inferiour benefice, or ony pairt or portioun thairof, be it in landis, teyndis or kirkis, or in whose favour the patronage of ony benefice, kirkis or teyndis is past, and all other beneficeit personis con-

Acta Oct. 1612-Nov. 1614.

tenit in the taxt rollis, thair chalmerlanis, factouris, and intromettouris," &c., as on p. 34.

Fol. 112, a.

" The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie James, Erll of Abircorne, and exponit and declairit that, he being one of the undirtakaris for the Irishe Plantatioun in a proportioun of sax thousand aikeris of land within the precinct of Strabrane, and cautioun being fundin be him and those who joyned with him in that plantatioun for performance of the conditionis prescryved and injoyned to the saidis undirtakaris, that accordinglie thay had performit and satisfeit the saidis conditionis in every point. For verificatioun quhairof he produceit and exhibite befoir the saidis Lordis ane note under his hand beareing the names of the speciall personis whome he had satled in the saidis sax thousand aikeris of land, viz., in the tua thousand aikeris of land callit Dunnalong, in the fiftene hundreth aikeris of land callit Sheane, in fiftene hundreth aikeris of land callit Clathogall, and in the thousand aikeris of land callit Strabrane. Quhilk note subscryvit be the said Erll being sene and considderit be the saidis Lordis, and thay haveing alsua hard his awne declaratioun that he had maid sufficient biggingis upoun his saidis landis, answerable to the termes and condition of his said cautionarie, thairfoir the saidis Lordis, according to his sacred Majesteis lettir direct to thame heiranent, findis, decernis, and declairis that the said Erll of Abircorne, and all these who joyned with him in the said plantatioun in his said precinct of sax thousand aikeris of land, hes satisfeit and fulfillit the tennour and conditionis of thair said act of cautionarie in everie point, claus, and article thairof, and exoneris, freethis, dischargeis, and relevis thame and thair cautionarie of the same for evir be thir presentis."

Act acknowledging that the Earl of Abercorn has fulfilled all his engagements for his share of 6000 acres in the Irish Plantation, and exonerating him therefrom.

" His Majesteis missive lettir for the warrand of the act abonewrittin. —Right trustie and right weilbelovit cosine and counsellour, and right trustye and weilbelovit counsellouris, we greete yow weele:—Whereas oure right trustie and right weilbelovit cosine and counsellour the Erll of Abircorne, at the tyme of his undirtaking a pairt in the Plantatioun of Irland, fand cautioun unto you, under the pane of divers grite soumes, for performeing the ordinarie conditionis of the said plantatioun, whiche becaus we ar credibillie informit he hes alreddy done in all his precinct of sax thousand aikeris, it is thairfoir oure pleasour that, quhen he sall mak the same manifest unto you, you discharge him and all these of his precinct of thair said act of cautionarye and all whiche may follow thairupoun. Whiche not doubting bot according to reasoun you will do, we bid you fairweele. At Rufforde, the xj of August 1614."[1]

" Forsamekle as, albeit the ressett of the rebellious thevis and lymmaris of the Clangregour, thair wyffis, bairnis, goodis, and geir, hes bene prohibite and dischargeit be mony actis and proclamationis maid

Commission to the Bishop of Argyle and three others within the shire of Argyle, and to Crawford

[1] In 1611 the Earl of Abercorn is found registered for only 3000 acres of the forfeited Irish lands (see Vol. IX. p. lxxx). That had then been the largest proportion held by any Scottish undertaker; but it shows how energetic a colonist he was that his proportion had now been doubled.

of Letterton and two others within the shire of Bute, for the trial of resetters of the Clan Gregor.

and publist heirtofoir, nevirtheles the cheif and principall caus [*rest of preamble substantially as in previous acts of the kind, e.g.* p. 51, p. 101]. Thairfoir the Kingis Majestie, with advise of the Lordis of his Secreit Counsell, hes gevin and grantit, and be the tennour heirof gevis and grantis, full pouer and commissioun to Andro, now Bischop of Ergyll, Mr Neill Campbell, laite Bischop of Ergyll, Coline Campbell of Kilberrie, and Mr Archibald Campbell, commissair of Ergyll, or ony tua of thame, within the schirefdome of Ergyll, and to James Craufurde of Lettertoun, Johnne Frasair of Knok, and Robert Campbell, capitane of Dynunne, or ony tua of thame, within the schirefdome of Bute, to appoint and sett courtis to be haldin be thame within the boundis *respective* foirsaidis, at suche dayis, tymes, and placeis as thay sall think meete, and to call and convene befoir thame all suche personis as hes ressett ony of the Clangregour, thair wyffis, bairnis, or goodis, sen the first day of August 1610, or who sall ressett thame during the tyme of this commissioun,—the names of the ressettaris, with the names of the personis ressett, thay sall ressave frome his Majesteis lieutennent aganis the Clangregour,—and to examine, try, ask, and demand thame upoun the said ressett; and, yf thay grant the same, to putt thair depositionis formalie in wryte, and, yf thay deny the same, to ressave probatioun and witnesis aganis thame; and to reporte the depositionis of the witnesis, with the confessionis and grantis of the pairtyis offendaris, deulie and autentiklie writtin and inclosit, unto the saidis Lordis, to the effect the saidis Lordis may accordinglie pronunce and gif furthe sentence aganis thame. As alsua that the saidis commissionaris reporte unto the saidis Lordis the estate and conditioun of the personis who sall grant, or aganis whome the ressett salbe provin, and quhat thay ar valiant in landis or goodis. And, whenas the saidis commissionaris sall find the said ressett to be cleir and manifest, ather be confessioun of the pairtye or depositioun of witnesis, that then thay tak sure cautioun of the offendouris that thay sall satisfie the decreit and sentence to be pronunceit aganis thame; and, incaise of thair refusaill to find the said cautioun, that the saidis commissionaris committ thame to warde, and hald thame thairin ay and quhill thay find the said cautioun, or quhill utherwayes his Majesteis lieutennent aganis the Clangregour reporte unto the saidis commissionaris his warrand bearing that he hes ressavit satisfactioun of the offendouris, or is to imploy thame in service aganis the Clangregour. Commanding heirby the provest[is] and bailleis of burrowis to ressave the saidis ressettaris in thair wardis as thay salbe directit unto thame be the saidis commissionaris, and to keepe thame upoun thair awne expensis, ay and quhill thay be fred and relevit in maner foirsaid. And for the better executioun of this commissioun ordanis lettiris to be direct chargeing officeris of armes to pas, command, and charge all suche personis ressettaris [*&c. &c. as in former cases of the kind*]. Thir presentis during the tyme of the said lieutennent his commissioun to indure."

Acta Oct. 1612–Nov. 1614.

Fol. 112, b.

Fol. 113, a.

Commissions. Fol. 192, a.

Commission under the Signet, signed by the Chancellor, Linlythgow, and Argyle, is given for one year to Johnne, Earl of Mar, and his bailies (1) to apprehend and try Alexander Mortymer, son of Mortymer, of Cragyvar, Thomas Burnet in Torthome Loiche, and Alexander Burnet in Boig, who were put to the horn on 11th August instant, at the instance of Donald M^cKenzie in Dolmore, brother of the late Murdoch M^cKenzie, and the remaining kin, for not finding caution to appear before the Justice to answer the charge of murdering the said Murdoch; (2) to try Johne Brabare *alias* in Crathie within the bounds of the Earldom of Mar, who was lately apprehended by the said Earl and his bailies for the murder in June last of David Sandiesoun, reader at the Kirk of Crathie; and (3) to apprehend and try sundry persons dwelling on the Earl's lands of Braemar, Stradie, Glengarne, and Crowmar, suspected of murder, common theft, resset, and "pykrie." Commission to the Earl of Mar for the apprehension and trial of several criminals.

Fol. 193, a.

This day appeared James Maistertoun, merchant, burgess of Ebinburgh, and became cautioner for the Earl of Mar, in the matter of the commission of justiciary granted by the Lords on the same day (*supra*), that the said Earl and his Bailies shall be responsible to the Treasurer and his Depute for half of the escheat goods of all persons convicted by the said commission. (Signed) James Maistertoun (autograph). Caution for the Earl of Mar in his preceding Commission.

Fol. 193, b.

Commission under the Signet, signed by the Chancellor, Argyle, and Lynlithgow, to James, Marquis of Hammiltoun, and his Bailies, to apprehend and try sundry persons dwelling on the Marquis's lands of Sadall in Kintyre who are suspected of murder, theft, resset, and "pykrie." Commission to the Marquis of Hamilton for the trial of certain criminals.

Fol. 194, b.

Commission of the Peace for the sheriffdoms of Fyff and Kynross and the Stewartry of Fyff, to the Chancellor, the Archbishop of St. Androis, the Lords of Privy Council and the Senators of the College of Justice, William, Earl of Mortoun, Robert, Lord Lindsay, David, Lord of Scone, James, Lord Colvill of Culrois, Michaell, Lord Balfoure of Burley. the Archdeacon and Vice Chancellor of the University of St. Androis, Sir

Fol. 195, a.

Boiswell of Balmuto, David Lindsay of Balcarres, Beatoun of Balfoure, Sir David Carnegy of Kynnaird, Arthour Forbes of Rires, Robert Durie of that Ilk, William Sandielandis of St. Monance Beatoun, elder, of Creich, Beatoun, younger, of Creich, Sir Andro Murray of Balvaird, Andro Wood of Largo, Sir Johnne Leirmonth of Balcomie, Robert Colvill of Cleische, William Moncreif of that Ilk, Mr. William Scot of Eli, Halket of Pitfirrene, Sir George Erskin, knight, James Weymes of Bogy, David Broun of Fynmouth, Sir James Balfoure of Pitcullo, knight, Cunnynghame of Bernis, Sir David Lindsay of Mont, Robert Arnot of Fairny, Aytoun of Dynmure, James Clerk of Balbirny, Mr. James Aytoun of Over Grange, of Kincraig, Pitcarne of Forther, Patrik Pitcarne of Pitloure, of Kirktoun, Henry Wardlaw of Balmull, David Leslie of Watterstoun, Schaw of Lathangzie, Johne Boiswell of Pittedie, Patrik Stewart of Beith, and George Patirsoun of Over Dynmure; Commission of the Peace for the shires of Fife and Kinross.

and the said Sir James Weymes of Bogy, to be Keeper of the Rolls. Commissions. Fol. 195, a.
Signed by the Chancellor.

Commission of the Peace for Lanarkshire.

Commission of the Peace for the Sheriffdom of Lanrik, to the Chancellor, the Lord Treasurer, the Archbishop of Glasgow, James, Marquis of Hammiltoun, William, Earl of Angus, Johne, Earl of Mar, Johne, Earl of Wigtoun, the Lords of Secret Council and the Senators of the College of Justice, Waltir, Lord of Blantyre, Sir Archibald Stirling of Keir, Sir James Maxwell of Calderwood, Sir Waltir Stewart of Mynto, Sir Johne Hammiltoun of Lettrik, Sir Robert Hammiltoun of Goslintoun, Allane Lokhart of Cleghorne, Alexander Lindsay of Dynrod, Johne Lindsay of Covingtoun, William Baillie of Lamyngtoun, Somervell of Cambusnethame, Sir Claud Hammiltoun, Sir Archibald Stewart of Castelmylk, Sir George Elphinstoun of Blythiswood, Robert Cunynghame of Gilbertfeild, Sir Robert Dalzell of that Ilk, Robert Hammiltoun of Torrens, Gawin Hammiltoun of Raploch, James Mureheid of Lachop, Mureheid, apparent of Lachop, Johne Cleland of Foscan, Waltir Carmichaell of Perk, Hammiltoun of Likprevik, Sir James Cleland of Monkland, Johne Symentoun of that Ilk, William Bannatyne of Corhouse, Mr. James Hammiltoun, commissary of Lanrik, Mathew Baillie of Litlegill, Quhytfurd of Mylnetoun; and the said Allan Lokhart of Cleghorne to be Keeper of the Rolls. Signed by the Chancellor.

Commission of the Peace for Kincardineshire.

Commission of the Peace for Kincardineshire to the Chancellor, the Treasurer, the Archbishop of St. Androis, George, Earl of Marshell, the Lords of Privy Council and the Senators of the College of Justice, Burnet of Leyis, Sir Robert Grahame of Morphie, Sir Alexander Falconer of Halkertoun, Wischert of Pittarro, of Wattertoun, Johnne Levingstoun of Donypace, Sir Fol. 195, b.
Arbuthnot of that Ilk, Douglas of Glenbervie, Stratoun of Lourestoun, Ramsay of Balmayne, Alexander Strauchan of Thorntoun, William Forbes of Portlethin, Johne Keith of Cowtoun, and Patrik Falconner of Newtoun; and the said Burnet of Leyis to be Keeper of the Rolls. Signed by the Chancellor.

Commission of the Peace for Haddingtonshire.

Commission of the Peace within the Constabulary and Sheriffdom of Haddingtoun, to the Chancellor, the Treasurer, the Archbishop of St. Androis, , Earl of Weyntoun, Thomas, Viscount Fentoun, , Viscount of Hadingtoun, Sir Hammiltoun of Innerweik, Sir Patrik Hepburne of Wauchtoun, knight, Cokburne of Clerkingtoun, Sincler of Hirdmestoun, Sir William Seytoun of Kylismure, knight, Hepburne of Smeatoun, Hammiltoun of Prestoun, Fawsyd of that Ilk, Patrik Douglas of Kilspindie, Sir Johne Home of Northberuik, Sincler of Blans, Achesoun of Gosfurd, Sir William Home of Quhytelaw, knight, Sir Robert Hepburne, and Patrik Carketle of Libertoun; and the said Sir Hammiltoun of Innerweik to be Keeper of the Rolls. Signed by the Chancellor.

Moncrief, &c.

"Charge aganis Moncreif and Johnne ." Sederunts.

Sederunts. Fol. 100, b.

"Charge aganis Frances Lyle, chirurgiane, and Thomas Mure." — Francis Lyle.

"Ane missive frome his Majestie anent Wauchtoun and Quhittinghame." — Wauchton and Whittinghame.

"Ane missive frome his Majestie anent the Schireffis of Lynlithgow and Dunbartane." — Sheriffships.

"Ane missive frome his Majestie anent Scottis of Tushielaw." — Scotts of Tushielaw.

"Ane missive frome his Majestie anent the keeparis of Dunnyvaig." — Dunivaig.

"Ane missive frome his Majestie anent Sir Ronnald M^cSoirle." — Sir Ronald MacSorlie.

"Ane missive frome his Majestie anent Sir Claud Hammiltoun." — Sir Claud Hamilton.

"Ane missive frome his Majestie anent the Erll of Ergyle." — Earl of Argyle.

"Ane missive anent the Laird of Lawers." — Laird of Lawers.

Commissions. Fol. 194, a.

Commission under the Signet, signed by the Chancellor, Binning, and G. Murray, to William Forbes, elder, of Monymusk, Mr. Johne Cheyne of Pitfichie, and Mr. Duncane Forbes of Lethintie, to try Andro Small, son of Small, "wobster," in Kintour, servitor to Mr. William Forbes of Many, who was apprehended by the Justices of Peace within the Sheriffdom of Aberdyne, for stealing from his master a great quantity of silver and gold, and "for ravisheing furth of his said maisteris housis Issobell Leyth, ane young virgine, and heretrix of the lands of Edingerak, and abuseing of hir according to his filthie humour and disposition." Prisoner is also suspected of devilish practices against a number of women, maids, and wives, "quhairby he hes insinuat him selff in thair favour, and filthelie and shamfullie abusit and deflored thame." — 2nd September 1614. Commission for the trial of Andrew Small in Kintore for theft, rape, and seduction.

Acta Oct. 1612–Nov. 1614. Fol. 113, b.

Sederunt—Chancellor; Bishop of Glasgow; Hammiltoun; Lotheane; Binning; President; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medop; Sir Andro Ker; Sir Johnne Arnott; Mr. George Young. — Edinburgh, 14th September 1614.

"The Lordis of Secreit Counsell allowis of the licence grantit to Donald Gorme of Slaitt releving him of his warde quhairin he wes commandit to remane within the citie of Glasgu, and ordaning him to repair to Ila to assist the Bischop of the Yllis in recoverie of the house of Dunnyvaig, and findis the said licence to be weele past for the furtherance of his Majesteis service."[1] — Donald Gorm released from ward to assist the Bishop of the Isles in Isla.

[1] This is the first mention among the ACTA of a business respecting which there will be further information in the section of this volume relating to the Isles. The substance up to the present date is as follows:—Old Angus M'Coneill or Macdonald of Islay, one of the Island Chiefs with whom Bishop Knox had arranged in August 1609 the famous paction of obedience called the Band of Icolmkill, was recently dead; and his family and the Macdonalds of Islay generally had begun to stir again for the recovery of their old powers in the Island. In April 1614, Ranald Oig, a bastard son of the late Angus, with a few associates, had surprised the Castle of Dunivaig, and turned out the slender garrison of Bishop Knox's servants that had been left in it. The report of this coming to Angus Oig Macdonald, the late Chief's legitimate son, who was not far off, exertions were made by him for the recovery of the castle in the King's name; and, these having been successful, it was no longer Ranald Oig, but Angus Oig, that was in possession of the castle. Although he professed to hold it for the King, and to be ready to give it up again to the Bishop, there was reason to suspect his good faith, the rather because he was known to be in correspondence about the affair with his elder legitimate brother,—that

In the matter of the feud between Sir Harry Wood of Bonnytoun and Francis Ogilvie: caution in 5000 merks found by Wood, and like caution required from Ogilvie, who is absent from illness, but whose oath is to be taken by the Bishop of Brechin.

"Forsamekle as the Lordis of Secreit Counsell, for the better observatioun of his Majesteis peace and keeping of goode reule and quietnes betuix Sir Harie Wode of Bonnytoun, on the ane pairt, and Frances Ogilvy, brother to James, Lord Ogilvy of Airlie, on the other pairt, hes tane this course following,—to witt, that bothe the saidis pairtyis salbe solemnelie sworne that thay sall on nawayes direct ony challange, be ȝrite, message, or commissioun, the one to the other, nor ansuer no challange that salbe direct unto thame, nor keepe no tryistis, appointment, nor meeting for that effect, and, yf ony suche challange salbe direct unto thame, that thay sall reveill and send the same to the Lordis of Secreit Counsell, as alsua that thay salbe bothe putt under cautioun for keiping of his Majesteis peace ather of thame under the pane of fyve thousand merkis, —quhilk oathe is maid and cautioun fundin be the said Sir Harie; and becaus the said Frances may not compeir and gif obedience for his pairt in respect of his present disease, the saidis Lordis hes appointit Andro, Bischop of Brechine, to tak his oathe in the said mater, and hes ordanit the said Frances to find cautioun, within sax dayis after the charge to be gevin to him for that effect, that he sall keepe his Majesteis peace as said is. Thairfoir the saidis Lordis ordanis lettiris to be direct chargeing the said Francis to gif his solemne oathe to the said Bischop of Brechine in the mater abonewrittin, within xxiiij houris nixtefter the said bischop sall come to him to require the said oathe, undir the pane of rebellioun, and, yf he failyee, &c., to denunce, &c. As alsua chargeing the said Frances to find sufficient and responsall cautionaris and souirteis actit in the bookis of Secreit Counsell that the said Frances, for him self and takand the burding on him for all whome he may stop or latt, sall observe our Soverane Lordis peace, keepe goode reule and quietnes in the cuntrey, and that he, nor nane of his causing, sending, hounding oute, command, ressett assistance, and ratihabitioun, sall on nawayes invade, molest, harme, trouble, nor persew the said Sir Hary Wode of Bonnytoun, his men, tennentis, or servandis, in thair

Acta Oct. 1612-Nov. 1614.

Fol. 114, a.

notorious Sir James Macdonald who had been a prisoner in Edinburgh Castle since 1604, and under sentence of death there since 1609, for a career of wild crime and adventure of various sorts dating from as far back as 1587 (see *ante*, Vol. VIII. by Index). In fact, Sir James had been sending petitions from his prison to the King and Council, offering his services in the Isles, or any where else, if he were liberated and pardoned. The likelihood seemed to be that he and his brother Angus Oig, if they had not planned the original capture of Dunivaig Castle, were turning its capture to their own advantage. Such had been the state of affairs in June 1614, when, after references to the King, the Council issued a commission of fire and sword to Bishop Knox for the recovery of the castle, with a mandate to Angus Oig for its immediate surrender. In August, however, Angus Oig and the Clandonald were still holding possession of the castle, on the plea that they had no security for their lives if they surrendered it; and, accordingly, the Bishop, who had returned to Edinburgh for fresh advice, was sent back with guarantee of a pardon to Angus and his associates in case of their immediate submission. As the Bishop had been blamed for the smallness of the garrison he had left in the eastle, he was anxious, before actually landing in Islay, to have as much assistance as he could from the Chiefs of the other Western Isles; and hence the present licence to Donald Gorm of Slait, whose influence with the Clandonald might, it was thought, induce Angus Oig to surrender on the promised indemnity, and so save the necessity of an actual siege.

Acta Oct. 1612–Nov. 1614.

bodyis, landis, takis, possessionis, goodis or geir, for quhatsomevir deid, caus, or occasioun, utherwayes nor be ordour of law and justice, under the pane of fyve thowsand merkis, within sax dayis nixt efter the charge, under the pane of rebellioun, &c., and, yf he failyee, &c. to denunce, &c."

Thomas Mure, keeper of Tantallon Castle, Alexander Home in North Berwick, and Francis Lyell, surgeon in Haddington, accused of having reset Robert Douglas, and assisted to cure him of his wounds, after his slaughter of Mr. Francis Bothwell: Lyell assoilzied and discharged; but Mure and Home held to caution for further answer.

"Anent oure Soverane Lordis lettiris direct makand mentioun:— Forsamekle as it is undirstand to the Lordis of Secreit Counsell that Robert Douglas, after the cruell and detestable slaughter of umquhile Mr. Frances Bothuill committit be him laitlie with the stock of ane hagbute upoun the 24 day of July last [*ante*, p. 267], fled directlie to the castell of Thomptalloun, and wes ressett in the said castell with the bloodie hand be Thomas Mure, portar and keepair of the said castell, and thair and in sindrie otheris pairtis sensyne hes bene pansit and curit of some woundis he ressavit at that tyme be Frances Lyell, chirurgeane in Hadingtoun; lyke as he hes bene ressett, suppleit, and intertenyit be Alexander Home in Northberuick, sone to the laite persone of Polwart, unto whome he maid his first addresse after the said slaughter; And, seeing he hes committit so foull and detestable a cryme, the ressett and cureing of him be the saidis personis is inexcusable, and thay aucht to be punist thairfoir in thair personis and goodis to the terrour of otheris. And anent the charge gevin to the saidis Frances Fol. 114, b. Lyell, Thomas Mure, and Alexander Home to have compeirit personalie befoir the Lordis of Secreit Counsell this present day, to haif ansuerit to the premisis, and to have underlyne suche ordour as sould be tane thairanent, under the pane of rebellioun and putting of thame to the horne, with certificatioun to thame and thay failyeet lettiris sould be direct *simpliciter* to putt thame thairto, lyke as at mair lenth is contenit in the saidis letteris, executionis and indorsationis thairof. Quhilkis being callit, and the saidis personis compeirand personalie, and thay being examinat and demandit upoun thair grite and solemne oathe to declair the treuthe of thair ressett of the said Robert Douglas, and of the pansing and cureing of him in maner foirsaid, the said Frances Lyell by his grite and solemne oathe denyit that he had pansit or curit the said Robert Douglas, or that he had seene him sen the slaughter foirsaid committit be him. In respect quhairof, the saidis Lordis dimittit him, quhairthrou he might pas home at his pleasour. And the said Thomas Mure grantit that the said Robert come to the place of Thomptalloun that night that the slaughter wes committit, betuix xj and xij of the cloke at night, and said to the said Thomas that he had bene in Sandie Johnnestonis house in Cassiltoun, and, comeing by Wauchtoun haveing ane hagbute in his hand, Wauchtoun preast to tak the hagbute fra him, quhilk he refuisit to rander, and in end kaist the hagbute at him,— quhairwith he suspectit Wauchtoun wes hurte; and he maid no mentioun of Mr. Frances, bot said that all the harme that wes done fell upoun the said Robert himself; and that he stayed in Thomptalloun quhill the morne at afternoone and then past away, and that sensyne the said Thomas saw him not; and forder that the said Robert directit

the said Thomas to Northberuik to desire Alexander Home to come and speak with him; quhilk he did; and that the said Alexander come and stayed with him ane hour. And the said Alexander Home grantit that, he being in his bed in his awne house, Thomas Mure, portair of Thomptalloun, come to him and desirit him to come and speik with Robert Douglas, for he wes hurte. Quhairupoun he raise, and come to him to Thomptalloun, and, asking of him quhat wes the occasioun of his hurteing, Douglas answerit that, he being comeand by Wauchtoun with ane hagbute in his hand, Wauchtoun preast to tak the hacquebute fra him, and that he kaist the hagbute at Wauchtoun, quhairwith he suspectit he wes hurte, and that Wauchtoun invadit him of his lyffe and hurte him; and that Robert Douglas maid no mentioun of Mr Franceis Bothuill, bot said all the skaithe that wes done fell upoun him self; and that he saw not Mr. Robert Douglas sensyne.—The Lordis of Secreit Counsaill, haveing hard thair declaratioun in the said mater, ordanis thame to find cautioun actit in the bookis of Secreit Counsaill for thair personall compeirance befoir the Counsell quhen thay salbe callit to ansuer to the premisis, under the panes following, viz., the said Alexander Home under the pane of ane thousand pundis, and the said Thomas Mure under the pane of twa hundreth pundis." Acta Oct. 1612–Nov. 1614. Fol. 115, a.

Licence to Margaret Douglas, Countess of Bothwell, to visit her English estates on this side of Newcastle.

Petition by Dame Margaret Douglas, Countess of Bothwell, for leave to visit her property ("sindrie rowmes and steidingis") in England; which she has not seen for a long time, on account of the prohibition against her going to England (*ante*, p. 217), through which she has lost many cattle, &c., and has not been paid her maills and duties. "However the prohibitioun wes gevin unto me that I sould not resort nor repair to England, yit I am certane that your Lordschipis had no uther meaning nor intention bot that I sould not resorte nor repair to Court, and that I sould nawyse be forbiddin to go to my awne rowmes, quhilkis do all ly on this syde of Newcastell." The licence not to be available south of Newcastle.—*Fiat ut petitur. Sic subscribitur:* Chancellor; Hammiltoun; Glasgow; Lotheane. Commissions. Fol. 195, b.

Dispensation to Colin, Lord Kintail, and to the Tutor of Kintail, and other Mac-Kenzies and their men, from service under the Marquis of Huntly against Cameron of Lochiel, and from all other like services, during the tenure of their commission for the reduction of the Lewis.

"James R.—Forsamekle as, we haveing tane grite panes and travellis and bestowit grite chairges and expensis for reduceing of the Yllis of this our kingdome to obedience, and the same Yllis being now satled in a reasounable quyetnes, and the chiftanes and headismen thairof haveing come in and randerit thair obedience to us, thair restis no pairt of the Yllis rebellious and dissobedient bot onlie the Lewis, quhilk being possest and inhabite be a nomber of godles and laules people traynit up from thair youth in all kynd of impietie and wickednes, thay can hardlie be reclamed from thair unquietnes and barbaritie and inducit to imbrace a quyet and peaceable forme of leving, sua that we haif bene constranit from tyme to tyme to imploy our cosine, the Lord of Kintaill, who restis with God, and, sen his deceis, the Tutor of Kintaill, his bruther, and utheris freindis of that house, in our service aganis these rebellis of the Lewis, with ample commissioun and auctoritie to suppres Fol. 196, a.

Commissions. thair insolencyis and to reduce that iland under our obedience,—quhilk service hes bene prosequute and followit out thir divers yeiris bigane by the pouer, freindship, and propper forceis of the house of Kintaill, without ony kynd [of] trouble, chairges, or expensis to us, or ony support or releiff from thair nichtbouris; and in the prosequutioun of that service thay haif haid suche a good and happie succes as divers of these rebellis
Fol. 196, b. hes bene apprehendit and execute be justice. Bot, seing our said service is not yitt fullie accomplishit, nor the Yle of the Lewis satled in a solide and parfyte obedience, we haif of lait renewit our former commissionis to our cosing, Coline, now Lord of Kintaill, and to his uncle and tutour, and some utheris freindis of his house; and thay ar to imploy thair haill pouer and forces in the executioun of our commissioun: quhilk being a service importing us so heichlie in our honnour, and being so necesser and expedient for the peace and quyet of the haill Yllis, and for the good of our subjectis hanting the tread of fishing in the Yllis, the same aucht not to be interruptit nor hinderit upon ony uther intervening occasioun, and our commissionaris and thair freindis aucht not to be distractit thairfra for geving of thair concurrenceis in ony uther serviceis. Thairfoir we, with advise of the Lords of our Previe Counsell, hes gevin and grantit, and be the tennour heirof gevis and grantis, our licence to our said cosine, Coline, Lord of Kintaill, and to his vassallis, freindis, men, tennentis, and servandis, to remane and abyd at hame fra all oistis, roadis, wearis, assembleis, and gadderingis to be maid be George, Marques of Huntlie, the Erll of Enzie, his sone, or ony utheris our lieutennentis, justiceis, or commissionaris, be sea or land, auther for the persute of Allane Camroun of Lochyell and his rebellious compliceis or for ony uther caus or occasioun quhatsomevir, during and within the tyme of our commissioun foirsaid grantit aganis the Lewis, without power or dangeir to be incurrit be our said cosing, the Lord of Kintaill, and his foirsaidis, in thair personis, landis, or goodis,—notwithstanding quhatsomevir our proclamationis maid or to be maid in the contrair. Quhairanent and all pane contenit thairintill we dispensis be thir presentis: dishairgeing heirby our Justice, Justice Clerk, and all utheris our judgeis, officeris, and ministeris of our lawis,
Fol. 197, a. of all calling, accusing, or outher wayis proceiding aganis thame for the caus foirsaid, and of thair officeis in that pairt. Gevin under our Signet, at Edinburgh, the xiiij day of September, and of our regne the xij and xlviij yeiris, 1614. *Sic subscribitur:* Alexander, Chancellair; Hammylton; Glasgow; Louthiane; Binning."

Commission for the apprehension of Robert Douglas, charged with the murder of Francis Bothwell.

Commission under the Signet, signed by the Chancellor, Hammiltoun, Glasgow, Lotheane, and Bynning, to all Sheriffs, Stewards, Provosts and Bailies of Burghs, Justices of Peace, and others, each within his own bounds, and to the Captain and Lieutenant of the Guard, and to William Ker of Ancrum, to apprehend and present to justice Robert Douglas, son of the late Douglas, parson of Lochermagus, and brother german of Patrik Douglas, grieve to Sir Archibald Douglas of Quhitting-

hame, knight, who was put to the horn on 8th September instant, at the instance of Margaret Coutis, relict of Mr Frances Bothwell, brother german of the late Johne, Lord Haliruidhouse, Johne Bothwell, son of the deceased, the remaining eight fatherless children, and other kin, for not finding caution to appear before the Justice in answer to the charge of murdering the said Frances Bothwell. Commissions.

Earl of Errol. "Ane prorogatioun grantit to the Erll of Erroll of his entrie in warde within the citie of St. Androis till the xv day of October nixttocome, conforme to ane warrand past in his favour to this effect be the Heigh Commissioun of the Kirk." Sederunts. Fol. 101, a.

King of Sweden. "Ane missive ordanit to be writtin to the King and Counsell of Swaden in favouris of certane mercheantis of Edinburgh for payment to be maid to thame of certane soumes of money for some merchandice and wairis boght frome thame be the King and Counsell of Swaden."

Town of Brem. "Ane missive to be writtin to the Foude and Capitane of Brem in Norroway in favouris of Dishintoun, skipper in St. Monanis."

23rd September 1614. Commission for the trial of John Kennedy for the murder of Martin Kennedy. Commission under the Signet, signed by the Chancellor, Binning, Sir [W] Oliphant, and Sir G. Murray, to Johne, Earl of Cassilis, Bailie Principal of the Bailiary of Carrik, to try Johne Kennedie, called "Sowple syd," in , now in the custody of the said Earl in the place of Blairquhan, for the murder of Martyne Kennedie in Stratoun, committed in the town of Stratoun. Commissions. Fol. 197, b.

Minute Book. The *Minute Book of Processes* gives the following memoranda collectively for the month of September 1614:—

Rebellione: M^r James Beatoun against Thomas Watt.
Rebellion: James Cleghorn against Hew Maxwell.
Precognition against Johne Mathew and Johne Campbell.
Ryott: David Wylie against Thomas Weir.
Letteris against Thomas Muir and Alexander Hoome for resetting of Robert Dowglas, murtherer of M^r Francis Bothwell.
Letteris against James and Hary Drummondis to procure themselves relaxed from severall horningis.
Ryott and deforcement: Alexander Miller against Wauchop of Nidrie, &c.
Precognitione against Hary Wood and Francis Ogilbie.
Deforcement: William Young against Andro Mor M^cFarlan.
Rebellion: Arthour Hamiltoun against M^r James Hamiltoun.
Ryott: Robert Dewar against Raith and utheris.
Ryott: Sir Thomas Dishingtoun against Dame Elizabeth Hepborn.
Ryott: Andro Dowie against Richard Imbrie, &c.
Deforcment: Georg Abernethy, &c., against William Meggatt, &c.
Precognition against Moncreiff and Johne Mathew.
Rebellion: M^r William Forbes against Johne Jardin.
Ryott: Robert Baxter against James Cumin.

Minute Book.

Rebellion: David Dundas against Patrik Hay.

Rebellion: Johne Hall against the Lord Gordon.

Complaint: Advocat against Captan Wishart for convocatione and wearing pistollettis.

Rebellion: Ralph Ker against Hary Wilkisone.

Acta Oct. 1612–Nov. 1614. Fol. 115, a.

Sederunt—Chancellor; Binning; Secretary; Burley; Privy Seal; Treasurer Depute; Clerk of Register; Advocate; Sir Johnne Arnott. Edinburgh, 5th October 1614.

Proclamation for enforcing former Acts against the exportation of wool.

"Forsamekle as, the Kingis Majestie and his Esteatis of Parliament haveing a speciall cair and regaird of the weele of this his Majesteis Kingdome, and that the native commodityis thairof, especiallie the woll, might be maid, use, and wroght within the same,—quhairthrou not onlie might a nomber of his Majesteis poore subjectis be haldin at worke, bot that the trade of making of cloathe and stuffis, quhairby otheris cuntreyis ar sofar inritcheit and bewtifeit, might lykewayes be broght in practise and intertenyit heir, and so the grite deale of treasour whilk yeirlie is caryit furthe of this realme for inbringing of commodityis maid with the native woll thairof might be haldin within the same, his Majestie, for this effect, with advise of his Esteatis of Parliament, causit divers actis and proclamationis to be maid prohibiting and dischargeing the transporting of ony woll furthe of this realme, under the pane of confiscatioun of the same woll and of the haill remanent goodis of the awnaris and transportaris thairof: quhilkis actis being most necessair and profitable for the commounweele, yitt the same hes tane no effect nor executioun thir divers yeiris bigane, bot the said woll hes bene transportit in verie grite quantitie; quhairthrow not onlie is the same rissin to extraordinair and heich pryceis, bot divers of his Majesteis subjectis, who by thair industrie in making of cloathe and stuffis doeth serve thair awne necessityis thairwith, and otheris who interteynis thair privat estate and familyis by that trade, can not haif sufficientlie quhairwith to holde thame selffis at worke,—to the grite hurte of the commounweele, and to the disapointing and frustrating of the course and progres of the making of cloathe and stuffis quhilk hes had some goode begynning in this cuntrey:—Thairfoir his Majestie, with advise of the Lordis of his Secreit Counsell, according to the actis and ordinanceis formarlie maid heiranent, ordanis lettiris to be direct to command, charge and inhibite all and sindrie his Majesteis liegeis and subjectis, be oppin proclamatioun at the mercat croceis of the heade burrowis of this realme and utheris placeis neidfull, that nane of thame presome nor tak upoun hand at ony tyme after the publicatioun heirof to
Fol. 115, b.
carye or to transporte ony woll furthe of this realme, under quhatsomevir cullour or pretens, undir the pane of confiscatioun of the same woll and of the haill remanent goodis pertening to the awnaris and transportaris thairof: certifeeing thame that failyees or dois in the contrair heirof that thair said woll and movable goodis salbe escheit and inbroght to our Soverane Lordis use."

Sheriffships of Linlithgow and Dumbarton.

Acta Oct. 1612–Nov. 1614.

"The quhilk day, in presence of the Lordis of Secreit Counsell, compeirit personalie Sir Dundas of that Ilk, and acceptit upoun him the office of schirefship of the schirefdome of Lynlythqw; and siclyke compeirit personalie Semple of Foulwode, and acceptit upoun him the office of schirefship of the schirefdome of Dumbartane: and thay gaif oathe to discharge the said office dewtifullie." (*See next page*).

Caution for the Countess of Atholl and her husband that they will not repair to England.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie George Logane of Bonnytoun, and actit and oblist him and his airis, as cautionair and souirtie for Dame Marie, Countesse of Athoill, and James Steuart, hir husband, that thay sall not resoirt nor repair to England without licence of his Majesteis Counsell had and obtenit to that effect, under the pane of ane thowsand pundis; and the said Countesse and hir said husband, being personalie present, oblist thame and thair airis to warrand and releve thair said cautioner of the premisis, &c."

Order for bringing the Earl of Orkney from his present ward in Dumbarton Castle to the Castle of Edinburgh.

"Forasmekle as it is the Kingis Majesteis will and pleasour, upoun some speciall considerationis moving his Majestie, that Patrik, Erll of Orknay, salbe broght fra the castell of Dunbartane, quhair he now remanis, to the Castell of Edinburgh,—thairfoir the Lordis of Secreit Counsell ordanis and commandis the Capitane of his Majesteis Gaird to direct and send tuelff of his company to Dunbartane, to bring frome thense the said Erll of Orknay, and that thay be in Dunbartane upoun Wednisday at night, and bring the said Erll agaitwarde to the Falkirk upoun the morne thairefter, being Thurisday: and ordanis the schireff of Dunbartane, who wes personalie present, to assist the convoy of the said Erll fra Dunbartane to the Falkirk: and ordanis the schireff of Lynlythqw, who wes lykewayes personalie present, to attend the said Erll at the Falkirk upoun Fryday in the moirning, and to assist the Gaird in convoying him thairfra to the Castell of Edinburgh: and ordanis the said Erll to be keept in a chalmer of the said castell, and that nane be sufferrit to haif conference or speeche with him without licence of the saidis Lordis."[1]

[1] At the date of the close of our last volume of the Register in February 1613, the unfortunate Earl, Patrick Stewart, was left in his imprisonment in Dumbarton Castle, dispossessed of his Earldom and all his rights in Orkney and Shetland, but with the expectation that the extremity of his punishment had then been reached, and that there might be a relenting in his favour on the part of his cousin, King James. This the rather because his natural son, Robert Stewart, to whose hot-headed turbulence in Orkney since his own removal from it the recent vengeances of the King on himself had been so largely owing, had come to Edinburgh and made his submission, giving his solemn oath never to return to Orkney or Shetland without his Majesty's licence (*ante* Vol. IX. p. l, and references there). Since then, however, there had been a sequel to the story. In May 1614 the younger Stewart, breaking his oath, had found his way back to Orkney, with the results thus succinctly narrated by Calderwood (vii. pp. 191–2):—"The Earle of Orkney being wairdit in the Castle of Dunbartane, his naturall sone, Robert Stewart, assembled eight or nyne score dissolute men, took sundrie strengths in Orknay, went into the cheefe toun Kirkwall, fortified the steeple and the castle, ceassed [seized] upon the King's girnell, intrometted with mailes and dueties, and did what they pleased. The Lords of Secrete Councell directed the Erle of Caithnes, as the King's lieutenant, against them upon the 13th of August, and appointed the Thesaurer to

Commissions. Fol. 198, a.

Commission to William Semple of Foulwood to hold the office of Sheriff of Dunbertane till 1st August 1615. Signed by the Chancellor, Balfour of Burley, Bynning, Cokburne, and Alexander Hay. Interim Sheriffship of Dumbarton.

Commission to Sir Waltir Dundas of that ilk to hold the office of Sheriff of Lynlithgow till 1st August 1615. Signed by the Chancellor, Balfoure of Burley, Bynning, R. Cokburne, and Alexander Hay. Interim Sheriffship of Linlithgow.

Sederunts. Fol. 101, b.

"The quhilk day the Lordis of Secreit Counsaill having hard the reporte and declaratioun maid be David Aikinheade, Deane of Gild of this burgh, tuitcheing the examinatioun tane be him and Alexander Persone, bailie of the said burgh, of certane personis who laitlie arryved at Bruntyland in a ship of , aganis whome divers people of this kingdome apprehendit some mater of suspitioun, in respect of the bruitis and rumouris of foreyne preparationis whilkis hes beene so current in this cuntrey thir tuentie dayis bigane, and the said David Aikinheade having reportit unto the saidis Lordis that thay fand nothing in the saidis personis, bot that thay wer fishermen, and that thair ship wes provydit and furneist with all thingis necessair for fisheing especiallie of quhaillis and uther grite fishes,—thairfoir the Lordis of Secreit Counsaill ordanis the saidis strangearis to be free to go quhair thay pleas." Release of certain foreign fishermen, apprehended on false suspicion.

"The quhilk day the Bischop of Brechine send in to the Counsaill the forme of oathe tane be him of Frances Ogilvy, that he sould direct no challange, nor ressave no cartall nor challange frome the Laird of Bonnytoun; quhilk oathe the saidis Lordis ordanit to be insertit and registrat in the bookis of Secreit Counsaill." Francis Ogilvie.

"The Lordis ordanis his Majestie to be acquentit with the petitioun of Sir George Hammiltoun, quhairby he craved licence to go to Yla with convocatioun of his Majesteis liegeis for uplifting of his Majesteis dewyteis and taxationis thair." Sir George Hamilton.

Commissions. Fol. 198, b.

Dispensation by the King, for himself, and as administrator for 6th October 1614.

furnishe all things necessar. The Erle craved onlie two great canons, powder and bullet, and threescore souldiours, to be sustained upon the King's charges. So two great canons were mounted, and brought out of the Castell of Edinburgh to Leith, where two shipps were outrigged for transporting them and Cathnes his companie. Cathnes appointed his owne freinds and defenders to meete him in Orknay. They landed upon the 23rd of August within a myle and a halfe of Kirkwall, and intrenched themselfs. Manie repaired to the Earle efter they were charged by proclamation to assist him as lieutenant. As they were marching forward to Kirkwall, the rebells, to the number of 500 or therabout, went out to encounter them; but, being hotelie pursued, they retired, some to the toun, some to their owne strengths, and deserted the said Robert. The Erle planted his canons, and shott at the castle of Kirkwall and the steeple, and were answered againe by shotts out of the castle. Upon the 14th of September, foure of these rebells that were in the steeple went furth to speeke with the Erle, but were apprehendit and sent to Edinburgh. All rendered upon Michaelmas day [29th September], the Erle promising to solist for their lives."—At the date of our present entry, therefore, two trials were on hand in Edinburgh: (1) the trial of Robert Stewart and his fellows for their recent rebellion in Orkney; and (2) the long pending trial at last of Earl Patrick himself for all his former misdemeanours, including now the certainty that this recent rebellion in Orkney by his son Robert had been with his sanction and by his instructions.

Dispensation to the Lord Boyd, that he may be served as heir to certain lands notwithstanding his minority.

Commissions.

Charles, Prince of Grite Brittayne, France, and Ireland, Duke of Rothesay, Earl of Carrict, Lord of the Yllis, Baroun of the Barony of Renfrew, and Stewart of Scotland, addressed to the sheriff principal of Air, in favour of Robert, now Lord Boyd, son and heir of the late Robert, Master of Boyd, that, despite his minority, he be served heir to these lands within the Bailiary of Cunynghame and the sheriffdom of Air, viz.:—the lands, lordship and barony of Kilmarnok, with pertinents, &c.; the lands and barony of Dalry and pertinents; the lands and barony of Kilbryd and pertinents; the lands of Flet and pertinents; the lands of Montsyde (Montfoyde) and pertinents; the lands of Ryvisdaill Mure and pertinents; the lands of Woddisdaill and pertinents, extending in all to a £100 land of old extent; the ten merk land of Portincrae and Ardwell and pertinents; the £3 land and Mains of Giffertland, called Nethertoun, and pertinents; the six merk land of Braidschaw and pertinents; the two merk land of Knokindone of old extent, and pertinents: provided the dispensation be not prejudicial to the ward, relief, &c., due to the Crown.—Given under the Signet, and signed by the Chancellor, Bynning, and G. Murray. Fol. 199, a.

Edinburgh, 22nd October 1614.

Sederunt—Chancellor; Binning; Burley; President; Privy Seal; Treasurer Depute; Clerk of Register; Advocate; Bruntiland; Medop; Sir Johnne Arnott. Acta Oct. 1612–Nov. 1614. Fol. 116, a.

Act ordaining the demolition of the Castle of Kirkwall, and warrant to the Earl of Caithness for its demolition.

"Forsamekle as the Kingis Majestie, upoun occasioun of the treasounable rebellioun raisit of laite aganis oure Soverane Lord be certane of his unnaturall and disloyall subjectis within the cuntrie of Orkney by halding and detening aganis his Majestie of his awne house and castell of Kirkwall quhill the same by a lang continewing seadge wes recoverit, haveing recommendit unto the Lordis of his Majesteis Previe Counsell the consideratioun quhidder or not it be more expedient for the weele of the cuntrey and goode of his Majesteis service that the said house of Kirkwall sould be preservit or dimolissed, and upoun thair determinatioun of the expediencie thairof to gif directioun thairin accordinglie; and the saidis Lordis haveing at verie grite lenthe conferrit, reasouned, consultit, and advisit heirupoun, and finding that the said house can serve his Majestie for no use, nouther for the ressett and ludgeing of ony of his Majesteis officiaris and servandis unto whome his Majestie wilbe pleasit to committ the charge and government of that cuntrey, nor yitt for the defence and saiftie of the cuntrey frome ony foreyne or intestine invasioun; bot, be the contrair, that the said house may be the occasioun of grite trouble and unquietnes in the cuntrey, insofar as wicked and insolent personis, upoun thair pretendit causis of discontentment, may have thair refudge within the said house and keepe the same as ane house of weare aganis his Majestie, building thair hoipis and the succes and event of thair rebellioun upoun the strenthe of the said house, as yf the same wer able to hald oute aganis his Majestie,

Acta Oct. 1612–Nov. 1614.

—as by experience in this laite rebellioun raised aganis his Majestie, and in a formair rebellioun raised be thir same personis aganis his Majestie, when the reverend fader in God, James, Bischop of Orknay, wes his Majesteis lieutennent thair, is evident,—in whilkis bothe rebellionis, and for suppressing thairof and recoverie of the said house fra the tratouris keeparis thairof, his Majestie wes constrayned, to his grite chargeis and expensis, to use his royall pouer and force: Thairfoir the saidis Lordis, upoun goode advise and deliberatioun, hes thoght meete and expedyent, resolvit, concludit, and ordanit, and be the tennour of this present act resolvis, concludis, and ordanis, that the said house and castell of Kirkwall salbe dimolissit and cassin doun to the ground, sua that the same sall nevir be a place of ressett and refudge for rebellis and traytouris in ony tyme comeing; and ordanis George, Erll of Caithnes, his Majesteis lieutennent in Orknay, outher be him selff, or his deputis, for whome he wilbe haldin to answer, to putt and caus this
Fol. 116, b. act be putt to executioun, and the said house and castell of Kirkwall to be dimolissit and cassin doun to the ground upoun his Majesteis chargeis accordinglie. For doing wherof the extract of thir presentis salbe unto thame a sufficient warrand."

Summons to a number of owners of coal-heuchs, and to the provosts and bailies of certain burghs, to meet with the Council and advise as to the expediency of allowing the exportation of coal.

"Forsamekle as, some motioun being maid unto the Kingis Majestie anent the transporting of coales furthe of this kingdome, it hes pleasit his Majestie, oute of his princelie regaird to the commounweele, whiche his Majestie hes evir preferrit to all privat considerationis, to gif directioun that the awnaris and maisteris of the coilheughis, and some of the justiceis of peace, with suche burrowis as hes cheif interesse in this mater, salbe chargeit to compeir befoir the Lordis of his Majesteis Previe Counsaill, to ressoun upoun the expediencye of this mater, and to resolve his Majestie upoun the three articlis following whairof his Majestie is very desyrous to haif ane speedy ansuer returnit,—to witt, (1) whether thair be ony actis of Parliament or utheris forbidding the transporting of coalis into foreyne cuntreyis; (2) whether the cuntrey complenit evir of the transporting of thame, or feared scairstie of thame be that meanes; (3) whether the transporting of grite quantitie of coale, takin in places narrest to the sea and farrest frome the hairt of the cuntrey, will be prejuditiall to the cuntrey or not, and quhether the cuntrey hes sufficient of it selff and to furneis plentifullie otheris cuntreyis: Thairfoir the Lordis of Secreit Counsaill ordanis lettiris to be direct chargeing James, Marques of Hamiltoun, Johnne, Erll of Mar, Patrik, Lord Sinclair, Sir Alexander Drummond of Medop, Weymis of that Ilk, Wardlaw of Torrie, Robert Colvil of Cleishe, Halkett of Pitfirrane, Shaw of Sanquhie, Sir George Bruce of Carnok, Sir Johnne Hamiltoun of Grange, Sir Johnne Hamiltoun of Lettrik, and Maister Alexander Hamiltoun, to compeir personalie, as alsua the provest and baillies of Edinburgh, Perth, Dundee, and St. Androis to compeir be thair commissionaris, before the Lordis of Secreit Counsaill, upoun the xxij day of November nixtto-

come, to reasoun, confer, and speake upoun this subject of the transporting of coale, and upoun the three articlis abonewrittin, and upoun suche questionis, propositionis, and objectionis as salbe propouned and moved thairupoun, to the effect accordinglie ansuer may be returnit unto his Majestie,—under the pane of rebellioun, &c., with certificatioun, &c." Acta Oct. 1612–Nov. 1614.

Commission for the trial of Alexander Park, accused of incest.

Alexander Park having been apprehended, and being now in ward in the tolbooth of Glasgu, "for the filthie and detestable cryme of incest committit be him with Park, his awne doghter—whilk abhominable and detestable cryme, as it is most offensive to God and sclanderous to be hard of in a Christeane kingdome, so the same aucht to be examplarlie punist, to the terrour of otheris to committ the lyke heirefter,"—his Majesty, with advice of the Lords of Council, constitutes the provost and bailies of the city of Glasgow, conjunctly and severally, justices for the trial of the crime. Fol. 117, a.

The Earl of Caithness admitted a member of the Privy Council.

"Forsamekle as it pleasit the Kingis Majestie, upoun divers goode respectis and considerationis, especialie in regaird of the goode and worthie service done to his Majestie be his right traist cosine, George Erll of Caithnes, and of his fidelitie and goode affectioun and willing dispositioun to serve his Majestie heirefter, to mak choise of him to be ane of his Majesteis Prevey Counsell of this kingdome, thairfoir the Lordis of Secreit Counsell, according to the Kingis Majesteis speciall and expres command, warrand, and directioun, hes ressavit and admittit, and be the tennour heirof ressaves and admittis, the said George, Erll of Caithnes, to be one of the Previe Counsaill of this kingdome, and authorizeis him with all previledgeis, honnouris, immunities, and digniteis dew to the said place, suche lyke and in als ample maner as ony other counsellour injoeth his place in Counsaill, and ordanis his oathe to be tane at his first heircomeing."

"His Majesteis warrand for the act abonewrittin:—Right trustie and weilbelovit cosine and counsellour, we greete you weele. Haveing sufficient prooffe of the fidelitie, goode dispositioun to oure service, and other goode pairtis, in the Erll of Caithnes, we ar pleasit to admitt him as one of the ordinair nomber of oure Previe Counsell in that our kingdome. It is thairfoir oure pleasour that you minister unto him the oathe accustomat in the lyke caisis, and authorize him with all previledgeis, immuniteis, honnouris, and digniteis, whiche ony other oure Prevey Counsellour by vertew of his place thair enjoyeth. And, as these presentis salbe unto yow a sufficient warrand in that behalff,[1] so we bid you fairweele. At Roystoun, the xv day of October 1614."

Act confirming a licence, granted by the Archbishop of St. Andrews and others of the High Commission of the Kirk, to the Earl of Errol to leave his present ward

Petition by Frances, Earl of Errole, as follows:—"Haveing enterit his persone in warde within the citie of Sanctandrois, conforme to the charge execute aganis him for that effect, it hes pleasit the reverend fader in God and his Majesteis right trustie and weilbelovit counsellour, George, Archiebischop of Sanctandrois, and some otheris of the Heich Fol. 117, b.

[1] George Sinclair, Earl of Caithness, had been of the Privy Council before now; and there had been remarkable ups and downs in the degree of his favour with the King.

Acta Oct. 1612–Nov. 1614.

Commissioun of the Kirk, upoun verie goode considerationis, to grant unto the said Erll of Erroll licence to pas home to his duelling house of Slanes or Torrie, and thair to remane and keepe warde conforme to the first directioun gevin to him for that effect, provyding that he heir the worde in all placeis whair he remanis, and heir conference with Maister George Hay, persone of Turra, Maister Johnne Reid, persone of Logie, and Mr James Ros, minister at ; and thay have ordanit the said licence to indure quhill his Majesteis will and pleasour be knowne." As, however, the approbation and allowance of the Lords of Council is requisite to make this licence valid, the Earl desires an Act of Council confirming it.—The Lords, having heard the petition, and "haveing alsua seene and considderit the licence foirsaid grantit unto the said Erll under the subscriptioun of the said Archiebischop of St. Androis and some otheris of the Heich Commissioun of the Kirk," and dated at St. Androis the 13th of October instant, "hes allowit and approvin, and be the tennour of this present act allowis and approveis, the licence foirsaid grantit be the saidis Lordis of the Heich Commissioun to the said Erll of Erroll in all and sindrie pointis and clausis and articlis contenit thairintill, and after the forme and tennour of the same in all pointis." in St. Andrews, and reside at Slains or Turriff.

Sederunts. Fol. 102, a

Sederunt—Binning, Secretary; Privy Seal; Treasurer Depute; Advocate. Edinburgh, 22nd October 1614. *(Post meridiem?)*

"Commissioun of Lieutennandrie, with certane otheris actis, to the Laird of Cadell, his Majesteis Lieutennent in Yla."[1] [See *Book of the Isles.*] Commission to Campbell of Caddell.

See previous volumes of the Register, by the Indexes. For the cause of his present re-promotion to the Council, see *ante*, p. 274, footnote.

[1] This entry marks a new point in the history of that rebellion of the Macdonalds in Islay, the beginnings of which have been sketched *ante* p. 267, footnote. There will be further and more minute elucidation of the whole business of this rebellion in the documents relating to THE ISLES, which are to form a special section in the present volume, and also in some of the documents which will be found among the MISCELLANEOUS PAPERS. Meanwhile the following will serve for such chronological coherence of the story as is necessary for understanding the successive notices of it in the ACTA:—Bishop Knox, whom we left approaching Islay, in September 1614, with some small armed force, and with Donald Gorm of Slait in his train, and expected assistance from some other Highland chiefs, for the purpose of recovering the Castle of Dunivaig from Angus Oig Macdonald, either by siege or by negotiation, had failed in his efforts. On the 21st of that month he was deserted by a number of Macdonalds from other Islands, who had promised their assistance against their rebel clansmen of Islay; and on the same day he received a positive refusal from Angus Oig to surrender the Castle of Dunivaig. "The Bishop," says the accurate Gregory in his *History of the Western Highlands and Isles*, "was now placed in a situation of peculiar difficulty. His force was too small to attempt anything against the Clandonald, who were hourly increasing in numbers; and he dreaded the bad effects that might arise from his quitting the Island without effecting his purpose, as if driven from it. But his deliberations were cut short by the promptitude of his opponents, who contrived to seize and destroy his boats, four in number, and thus made it impossible for him to quit the Island without their assistance. In these circumstances the Bishop was compelled to enter into a treaty with Angus Oig, by which he promised to use his utmost endeavours to procure for that individual a seven years' lease of the Crown lands of Isla (then possessed by Sir Ranald MacSorley) for the rent of eight thousand

Edinburgh, 26th October 1614.

Sederunt—Chancellor; Binning; Burley; President; Privy Seal; Treasurer Depute; Clerk of Register; Advocate; Bruntyland; Medop; Sir Johnne Arnott. Sederunts. Fol. 102, a.

Earl of Caithness. "Ane Act anent the admitting of the Erll of Caithnes upoun Counsell." (See *Acta*, 22nd October 1614.)

The mass in Glasgow. " Ane missive frome his Majestie anent the trying of the messe in Glasgow."

Islay. " Ane missive frome his Majestie anent the rebellioun in Yla."

Rebellion in Islay. " Ane new Commissioun of Lieutennandrie grantit to the Erll of Ergyll, and, in his absence furthe of this cuntrey, to the Laird of Caddell, aganis the rebellis in Yla." [1] [See *Book of the Isles.*]

Coal-heughs. " Chargeis aganis the awnaris of coilheuchis to compeir the 22nd of November nixt." (See *Acta*, 22nd October 1614.)

Earl of Orkney. " The Erll of Orknay ordanit to be examinat in presence of the Counsell."

Orkney rebels. " The President, Previe Seale, Clerk of Register, Advocat, and Justice ordanit to examine the rebellis of Orknay being in the Tolbuithe of Edinburgh."

Kirkwall Castle. " Ane missive from his Majestie anent the dimolissing of the Castell of Kirkwall." (See *Acta*, 22nd Oct. 1614.)

Archibald Campbell. " A missive frome his Majestie in favouris of Archibald Campbell." [See *Book of Isles.*]

merks. He also engaged to procure his Majesty's licence for transferring the Castle of Dunyveg, in property, to Angus Oig, and to do his best to obtain a pardon to the Clandonald for all crimes committed prior to the date of this treaty. To secure the performance of these conditions, the Bishop was forced to leave in the hands of Angus Oig his son Mr Thomas Knox, and his nephew John Knox of Ranfurlie, as hostages." Having made this contract with Angus Oig, the Bishop remained in the neighbourhood of Islay, in no small anxiety as to what might be the fate of his two relatives if the King and Privy Council should disown the treaty, and foreseeing that result as very probable. In this he was right. "Far from assisting the Bishop of the Isles in obtaining performance of the conditions he had promised to the Clandonald," proceeds Gregory, "the Privy Council lost no time in proposing to reduce the rebels by force. Having received from John Campbell of Calder an offer of a feu-duty or perpetual rent for Isla, far beyond what any substantial person of his rank had ever offered before, they prevailed on him to accept of a commission against Angus Oig and his followers. This commission Calder undertook to prosecute at his own expense, provided the artillery and ammunition necessary for battering the Castle of Dunyveg were furnished at the public cost." The present extract from the BOOK OF SEDERUNTS is the brief record there of this transaction.—The "Laird of Caddell" of the entry is the John Campbell of Calder just mentioned, the names Calder and Caddell being then interchangeable. From the present date, therefore, one has to note the commencement of the lieutenancy of this Campbell of Calder or Caddell in the enterprise of the recovery of Islay from Angus Oig and his Macdonalds. In this apparently accidental conjunction or opposition of the moment of the names *Campbell* and *Macdonald* there is a hint of much more than meets the eye. The Earl of Argyle, the head of the Campbells, desired the annexation of Islay to his already great West Highland domains, and was understood to be intriguing for that object; others were intriguing against him; and, in fact, the question of the hour had come to be whether the Macdonalds or the Campbells should possess the Island. Meanwhile at the centre of this coil of intrigues was Angus Oig in the Castle of Dunivaig.

[1] In connexion with this and the preceding entry, see foregoing footnote.

Sederunts.

" The Clerk of Register, the Lord of Medop, and Sir Johnne Arnott ordanit to convene with the Bailleis of Edinburgh and Mr James Prymrois, anent the yairne." Yarn.

" The Lordis of Secreit Counsaill, in respect of the grite necessitie and miserie of Andro Martyne, Thomas Layng, and Alexander Leggatt, prisonnaris in the Tolbuithe of Edinburgh, and that thay haif not of thair awne to interteny thame selffis in the said warde, and seeing thay ar his Majesteis prisonnaris and ar detenit for the discoverie of that rebellioun in Orknay quhairin thay wer actoris, and quhill thay be tryit and punist for the same, thairfoir the Lordis of Secreit Counsaill allowis to everyone of the saidis personis x s. daylie, fra the day and date of thir presentis, to be payit to thame be his Majesteis Thesaurair Depute; for the payment quhairof thir presentis salbe unto him a warrand." Imprisoned Orkneymen.

Fol. 102, b.

" Ane act in favouris of the Erll of Errole." Earl of Errol.

" Certane actis and proclamationis anent Ila." Islay.

Acta Oct. 1612–Nov. 1614. Fol. 118, a.

Sederunt—Chancellor; Lotheane; Binning; Burley; President; Privy Seal; Treasurer Depute; Clerk of Register; Advocate; Kilsythe; Medop. Edinburgh, 1st November 1614.

" Forsamekle as, althoght, by ane formair act and ordinance of Counsell, thair wes a certane custome and dewitie appointit to be payit of everie boll of victuall broght within this kingdome this last yeir bigane, especialie seeing it had pleasit God to blisse the cuntrey with abundance and plenty of victuall, able sufficientlie not onlie to serve the selff bot to supplee the necessityis and wantis of utheris cuntreyis, and that the unnecessair homebringing of victuall at suche tyme of abundance and plentye wes a cheif and principall caus of the exportatioun of gold and silver and consequentlie of the grite penuritie and scairstie of the same within the cuntrey [*ante*, p. 243], yitt it wes nowayes meant nor intendit be the said act that this custome sould stand constant and unchangeable, bot to be dischargeit in haill, or diminisheit in a parte, as the occasioun sould present, and as God sould blisse the cuntrey with abundance or scairstie of victuall; and whereas now it hes pleasit God to visite this cuntrey with a verie tempestuus and unseasounable harvest, swa that this yeiris crope hes bene untymouslie and euill wyn, whairthrou thair is grite appeirance of scairstie and derthe of victuall, and that the cuntrey will stand in neede of foreyne supplee and releif; and his Majestie, with advise of the Lordis of his Secreit Counsell, being als cairfull in this tyme of scairstie and appeirance of derthe to foirsee and provyde for the weele of his people as his Majestie in the formair tyme of abundance and plentye wes cairfull to remove the abuse of exportatioun of gold and silver, and willing to remove all lattis and impedimentis whilkis upoun occasioun of the said custome may hinder the homebringing of victuall this ensewing yeir,—thairfoir his Majestie, Discharge of a former Act imposing customs on the import of victual; and new Act authorising the free import of victual from abroad till 1st September 1615.

with advise foirsaid, hes dischargeit, and by vertew of this present act dischargeis, all kynd and maner of custome to be tane for ony sorte of cornis quhilkis salbe broght home within this cuntrey at ony tyme afoir the first day of September nixttocome, and declairis the said victuall to be custome free quhill the said day; and ordanis letteris of publicatioun to be directit heirupoun, wherthrow nane pretend ignorance of the same." Acta Oct. 1612-Nov. 1614.

Act approving of the conduct of Mr. Patrick Hamilton in bringing John Sharpe, servitor to the Earl of Orkney, from England, and producing the depositions of the said John Sharpe.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Mr Patrik Hamiltoun, bruther to Thomas, Lord of Binning, Secretair to our Soverane Lord, and presentit and delyverit unto the saidis Lordis the depositionis maid be Johnne Shairpe, servitour to Patrik, Erll of Orknay, and writtin every worde with the said Johnne his awne hand; and declairit that he broght home with him frome England the said Johnne Shairpe, conforme to the directioun gevin to him for that effect, and that the said Johnne is now prisonnair in the Tolbuithe of Edinburgh. The Lordis of Secreit Counsaill haveing ressavit the depositionis foirsaidis frome the said Mr Patrik, and knoweing that the said Johnne Schairp is now prisonnair in the Tolbuithe of Edinburgh,—thairfoir the saidis Lordis findis and declairis that the said Mr Patrik hes satisfeit, performit, and fulfillit the directioun foirsaid gevin to him anent the homebringing of the said Johnne Schairp with his depositionis, and that he hes conformit him self to the truste gevin to him in that mater, and exoners him thairof for evir be thir presentis." Fol. 118, b.

Opinion of the Council in favour of the offer to his Majesty of a gressum of £1000 and a yearly rent of 2000 merks for a five years' tack of the assise herring of Dunbar.

"The quhilk day Sir Gedeone Murray of Elibank, knyght, Thesaurair Depute, exponit and declairit to the Lordis of Secreit Counsell, that, he haveing acquentit the Kingis Majestie with ane motioun maid to him for ane fyve yeir tak of the assise hering of Dunbar upoun ane offer of ane thousand pundis in gressome and ij^{m} merkis of yeirlie dewytie for the same, that the Kingis Majestie had refuisit to gif his consent to the said tak quhill he wer advisit thairwith be his Majesteis Counsell, becaus the infeftment maid to the laite Erll of Dunbar of the said assise hering wes reduceit. The Lordis haveing hard the said Thesaurair Depute in this mater, and undirstanding that the right now craved of the said assise hering is not of the natur and qualitie of the infeftment maid to the said Erll of Dunbar, whiche wes ane heritable right, and this being onlie bot ane tak, and seeing be this tak his Majestie will not onlie ressave a grite gressome bot lykewayes ane constant yeirlie dewytie, whairas now the dewitie of the assise hering is uncertane and ane grite pairt thairof spent and wairit upoun officeris and servandis fees,—thairfoir thay think it meete and expedyent, for his Majesteis benefite, that ane fyve yeir tak salbe sett of the said assize hering upoun the offer of the gressome and yeirlie dewitie abonewrittin."

Earl of Argyll.

"The letter send doun frome his Majestie anent the supersedeir to the Erll of Ergyle remittit to the Lordis of Counsell and Sessioun." Sederunts. Fol. 102, b.

Veitches.

"Chargeis aganis Vetcheis anent Alexander Hammiltoun, bruther to Jonas Hamiltoun of Coitquott." Fol. 103, a.

Sederunts.

The Lords of Privy Council, "in respect of the povertie of Archibald Murray and Johnne Shairp, prisonnaris in the Tolbuithe of Edinburgh, quho ar detenit thairin for discoverie and tryall of the laite rebellioun in Orknay," allow to each of them the sum of 10s. daily,—to the former from the present date, and to the latter from the day of his committal. Imprisoned Orkneymen.

Commissions. Fol. 199, b.

Commission under the Signet, signed by the Chancellor, Binning, Jo. Prestoun, R. Cockburne, Alexander Hay, Murray and Drumond, is given to William, Earl of Angus, and his bailies, to try Johne Bartilmo, son of Gilbert Bartilmo, baker, burgess of Edinburgh, and William Thomsone, sometime indweller in the Cannogait, vagabonds apprehended in the town of Dowglas, and now in the keeping of the Earl of Angus for stealing a purse and the money therein, on October last, from Inglis in Skrogtoun within the town of Douglas. On 14th January 1613, the said Johne was convicted of theft before James Nisbitt and Archibald Adiesoun, Bailies of Edinburgh, and was sentenced to be scourged through the burgh, and never to be found therein again on pain of death; and a like sentence was passed on him a second time an 1st April 1613 by James Nisbett and Patrik Edger, Bailies of Edinburgh, for being guilty of theft. Both prisoners are suspected of divers other crimes. 2nd November 1614. Commission to the Earl of Angus for the trial of John Bartilmo for theft.

Acta Oct. 1612–Nov. 1614. Fol. 118, b.

Sederunt—Binning; Treasurer Depute; President; Privy Seal; Clerk of Register; Advocate; Kilsaithe; Medope. Edinburgh, 3rd November 1614.

"Forsamekle as, the Kingis Majestie haveing consideratioun that the filthie vice of adulterie is now become commoun in this kingdome, in regaird that the actis of Parliament maid for suppressing of that vice hes not ressavit effect nor executioun, thairfoir his Majestie, by his missive lettir writtin and directit to the Lordis of his Majesteis Previe Counsell and commissionaris appointit for mannageing of his Majesteis Rentis, hes appointit the said vice of adulterie to be punisheit by imposing of a fyne, or compositioun for pardoun, upoun suche as salbe dilaitit and convict thairof, and the just thrid of the said fyne and compositioun, or suche uther portioun thairof as salbe thoght most fitte be the saidis Lordis, to be given to the discoverair, and the rest to be converted to his Majesteis use, as in his Majesteis said missive at lenth is contenit. Quhilk being oppynnit and red this day in audience of the saidis Lordis, and thay being thairwith weele advisit, the Lordis of Secreit Counsaill and commissionaris appointit for mannageing of his Majesteis Rentis hes remittit and remmittis to his Majesteis Thesaurair Depute the aggreeing with the persone or personis who sall dilait unto him the saidis adulteraris upoun suche proportioun of the fynes and compositionis to be gevin to the saidis dilaitaris for thair panes and travellis in that mater,—provyding alwayes that in the said aggreement the said Thesaurair Depute exceid not the thrid parte of the fyne or compositioun to be imposit upoun the persone or personis who salbe dilaitit and convict of the said cryme." Act that adultery be punished with a fine, of which one-third to go to the informer, and the rest to his Majesty's Treasury.

Fol. 119, a.

Edinburgh, 8th November 1614.

Sederunt — Chancellor; Secretary; President; Privy Seal; Treasurer Depute; Clerk of Register; Advocate; Kilsyithe; Bruntiland; Medop; Sir Johnne Arnott. Sederunts. Fol. 103, b.

Licence to make gunpowder.

"Ane commissioun and licence past to Ginthame Vanrassen, Fleming, to mak poulder."

Edinburgh, 10th November 1614.

Sederunt—Bishop of Sanctandrois; Bishop of Glasgow; Cassillis; Lotheane; Cranstoun; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop. Acta Oct. 1612–Nov. 1614. Fol. 119, a.

Acknowledgment of the good service of the Archbishop of St. Andrews, the Archdeacon thereof, and the Magistrates of St. Andrews, in apprehending Mr. James Moffat, a Jesuit and mass-priest.

"Forsamekle as George, Archiebischop of St. Androis, M^r^ Gledstanes, Archedeane of St. Androis, and the provest and baillies of the citie of St. Androis, hes laitlie tane and apprehendit Maister James Moffett, ane Jesuite and messe preist, and hes broght and exhibite him with his messe cloathis heir befoir the Lordis of his Majesteis Prevey Counsaill, by whome he is committit to warde within the Tolbuithe of Edinburgh to abyde his tryall and examinatioun as accordis: Thairfoir the saidis Lordis of Secreit Counsell findis and declairis that the personis foirsaidis, in the taking, apprehending, keeping, detening, and exhibitioun of the said Jesuite, with his messe cloathis, hes done very faithfull, worthie, good, and acceptable service to his Majestie and the cuntrey, and authorizeis, allowis, and approveis the same in every poynte and circomestance thairof, and exoneris the saidis personis of thair dewytie in that behalff be thir presentis."[1]

Edinburgh, 11th November 1614.

Sederunt—Bishop of Glasgow; Cassilis; Cranstoun; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medoip.

Apprehension by the Archbishop of Glasgow of Ogilvy, a Jesuit priest, in that city; discovery of adherents of his there; and commission to the Archbishop, Sir Gideon Murray, Sir Alexander Hay, and Sir William Livingston, to prosecute the discovery, and try resetters of mass-priests and hearers of mass in Glasgow.

"Forsamekle as, albeit the ressett of Jesuitis, seminarie and messe preistis, and the saying and heiring of messe, be verie straitlie prohibite and forbiddin be the lawis and constitutionis of this kingdome, nochtwithstanding it is of treuthe that the reverend fader in God, Johnne, Archiebischop of Glasgow, hes of laite apprehendit within the citie of Glasgow ane Jesuite and messe preist, calling him selff Ogilvy, who had not onlie ane publict and avouit ressett within the citie of Glasgow amangis sindrie of the inhabitantis thairof, be whome he wes confortit and interteynit with all showes of love and kyndnes as yf he had bene a lauchfull subject, bot with that divers of the saidis inhabitantis and utheris his Majesteis subjectis hes, to the grite offence of God, sclander of his holie ministerie, and contempt and misregaird of oure Soverane Lord and

[1] According to Calderwood (vii. 193) the Mr. James Moffat of this entry had been apprehended in St. Andrews a few days before ("about the beginning of November" is Calderwood's phrase) by Alexander Gledstanes, son of the Archbishop.

Acta Oct. 1612–Nov. 1614.

Fol. 119, b.

his auctoritie, bene present with the preist at the abhominatioun of the messe, and hes hard him say messe, and some hes confest thame selffis to the preist and tane the sacrament of him after the popishe maner, off the quhilkis personis divers hes bene discoverit be the said Archiebischop, and upoun examinatioun hes confest the treuthe of thair doingis, and ar in warde or under cautioun to be answerable thairfoir, and otheris ar not as yitt discoverit quhill upoun new examinatioun some forder light be gottin heirin: And oure Soverane Lord, and Lordis of his Majesteis Previe Counsell, foirseeing the grite appeirand dangeir, bothe to his Majesteis estate and to the trew religioun presentlie profest within this realme, be thir and suche lyke popishe practizes of the adversaris and enemeyis of the treuthe, whilkis ar lyke to haif a forder course and progres within this realme yf some examplair ordour be not tane for punisheing of thir personis who hes had suche unlauchfull doing with the said Jesuite preist: Thairfoir his Majestie, with advise of the Lordis of his Secreit Counsell, hes maid and constitute, and be the tennour heirof makis and constitutis, the said reverend fader in God, Johnne, Archiebischop of Glasgow, Sir Gedeone Murray of Elibank, knight, Thesaurair Depute, Sir Alexander Hay of Whyteburgh, knight, Clerk of Register, and Sir Williame Levingstoun of Kilsyithe, knight, or ony three of thame, the said Archiebishop being one, his Majesteis justiceis in that parte, to the effect underwrittin:—Gevand, grantand and committand to thame full pouer and commissioun, expres bidding and charge, to repair to the citie of Glasgow at suche convenient tyme as thay sall appoynte, and to call befoir thame suche personis within the said citie suspect guiltye of the ressett of the said preist and of the heiring of his messe as hes not bene yitt examinat upoun that mater, and to trye and examine thame thairupoun, and to reexamine, yf neede beis, the otheris personis who hes bene alreddy examinat, and ar outher in warde or under cautioun to be answerable and furthecomeand to thair tryall for that caus; and to prepair and mak all thingis reddy for thair criminall persute and tryall befoir thame at the dyettis appointit and to be appointit for that effect. And for this effect courtis of justiciarie within the tolbuithe of the citie of Glasgow to sett, begyn, affix, hald and continew; suitis to mak be callit, absentis to amerchiat, unlawis, amerchiamentis and escheatis of the saidis courtis to ask, lift and raise, and for the same, yf neid beis, to poind and distrenyee; and in the same courte or courtis the saidis personis ressettaris of the said Jesuite and messe preist and heiraris of his messe to call be dittay, to accuse, and thame to the knowledge of ane assise to putt; and, as thay salhappin to be fundin culpable or innocent, to caus justice be ministrat upoun thame conforme to the lawis of this realme; assysis neidfull to this effect, ilk persone under the pane of xl ℔. to summond, warne, chuse, and caus be sworne; clerkis, servandis, dempstaris and all utheris officeris and memberis of courte neidfull to mak, create, substitute and ordane, for whome the saidis justiceis salbe haldin to answer: and generallie all and sindrie otheris thingis to do, exerce and use, whilkis of

law or consuetude of this realme is knowne to pertene; ferme and stable halding, and for to hald, all and quhatsomevir thingis salbe lauchfullie done herein: chargeing heirby all and sindrie his Majesteis liegeis and subjectis to reverence, acknowledge and obey, concur, fortifie and assist, the saidis justiceis in all and everie thing tending to the executioun, as thay and ilkane of thame will ansuer upoun thair obedyence at thair heighest charge and perrell. And that thir presentis be past and exped his Majesteis Signet in dew and ample forme."[1] Acta Oct. 1612–Nov. 1614.

The *Book of Sederunts* adds:—"And the tryall to be in Glasgu upoun the saxt day of December nixttocome, and that his Majesteis Advocat send ane depute for him to persew the saidis personis." Sederunts. Fol. 103, b.

Edinburgh, 15th November 1614.[2]

Sederunt—Chancellor; Bishop of St. Androis; Cassillis; Caithnes; Lotheane; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Ker. Acta Oct. 1612–Nov. 1614. Fol. 120, a.

The Earl of Caithness gives his oath as Privy Councillor.

"The quhilk day, George, Erll of Caithnes, acknouledgeing the Kingis Majesteis gratious favour showne unto him in preferring and advanceing of him to that honnour and dignitie to be one of the Prevey Counsell of this kingdome [*ante*, p. 278], he, with all dew reverence, upoun his knees, his hand lyand upoun the holie evangell, maid and gaif solemnelie his oathe of alledgeance, and the oathe of a Previe Counsellour."[3]

New commission for the trial of Angus and Hutcheon Murray, apprehended for murder.

Commission under the Signet, signed by the Chancellor, St. Androis, Cassillis, Cathnes, and Lotheane, to Robert Monro of Foullis, William Sutherland of Duffus, and Johnne Monro of Lymlair, to try Angus and Commissions. Fol. 200, a.

[1] The capture in Glasgow of the Jesuit Ogilvie of this entry was to turn out a much more important affair than the capture in St. Andrews of his fellow-Jesuit Moffat mentioned in the entry of the preceding day (p. 284). —His name was John Ogilvie; he was a Scotsman by birth, being the son of a Walter Ogilvie, a country laird; but he had been about twenty-two years abroad, and had but recently returned to Scotland. Archbishop Spotswood, by whose vigilance he had been apprehended in Glasgow after doing the mischief described in the present entry, adds these particulars in his History (p. 521):—"He was lately come from Gratz, where the Jesuites have a Colledge, by the command (as he said) of his superiours, to doe some service in these parts. There were found with him three little books containing certain directions for receiving confessions; a warrant to dispense with them that possest any Church livings, conceived in this form,—*Quoad dispensationem de bonis ecclesiasticis, poteris dispensare ut retineant quæ possident, dummodo in usus pios aliquid impendant, pro judicio confessarii dispensantis:* with some reliques, and a tuft of S. Ignatius' hair, the founder of their order, which he seemed to have in great regard." —Altogether, it was inferred from these and other circumstances that he had come into Scotland on some Jesuit enterprise of an extraordinary, if not of a desperate, character.

[2] Probably *post meridiem*. See next page.

[3] The Earl was now back in Edinburgh from his triumphant success in quelling the rebellion of young Robert Stewart in Orkney and recovering the Castle of Kirkwall. (See *ante*, p. 274, footnote.) Calderwood notes (vii. 192) that, a few days after the date of this entry,—viz., on the 23rd of November,—there was much rejoicing in Edinburgh over the suppression of the Orkney rebellion. The two cannons which had done so much service there under the Earl's charge were drawn through the streets of Edinburgh, with the keys of the Castle of Kirkwall hung round their mouths; and there were salutes of ordnance from Edinburgh Castle, with soundings of drums and trumpets.

Commissions. Fol. 200, a.

Hucheoun Murray, sons of Andro Murray, sometime of Cragy, and Finlay M^cMurthie M^cWilliam M^cIlroy, at present in the keeping of William Sutherland of Duffus, charged with the murder of Donald Angus Gairsoun. Prisoners were hurt in their capture, and cannot be brought here; nor can an assise be conveniently summoned to Edinburgh. (See *ante*, p. 255.)

Sederunts. Fol. 104, a.

Sederunt—Chancellor; Cassillis; Caithnes; Secretary; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Ker. Edinburgh, 15th November "*ante meridiem.*"

The Earl of Caithnes gives his oath as Privy Councillor [see p. 286].

Sederunt—The same as above *Acta* on p. 286. "*Post meridiem.*"

"The Lordis of Secreit Counsaill allowis to Robert Steuart, base sone to Patrik, Erll of Orknay, and to Patrik Halcro, the soume of three pundis daylie, viz. to ather of thame threttie shillingis in the day, for thair chairgeis and expensis during thair remaning in warde, to be payit to thame be his Majesteis Thesaurair Depute of this kingdome; quhilk salbe allowit to him in his comptis." Robert Stewart and Paul Halcro.

"The Lordis of Secreit Counsaill haveing hard the petitioun gevin in be Andro Quhyte, jaylour of the Tolbuithe of Edinburgh, proporting that divers poore miserable personis ar committit to warde within the Tolbuithe of Edinburgh, partlie at command and directioun of the Lordis of Previe Counsell and utherwayes, who hes nothing whereupoun to interteyne thame selfis, sua that the burdyne of thair interteynment lyis upoun him, to his grite hurte and wrak, and the saidis Lordis being willing to tak some course for the interteynment of such poore creaturis as ar committit to warde be thair directioun and hes not of thair awne to interteyne thame selffis,—thairfoir the saidis Lordis allowis to every suche poore creatour the soume of fyve shillingis daylie, to be payit to thame be the Thesaurair Depute of this Kingdome; and ordanis the said Andro Quhyte, who wes personalie present, on nawayes to burdyne the Thesaurair Depute with the payment of the said allowance for ony personis to be committit heirefter within the said Tolbuithe bot for suche as salbe committit be the saidis Lordis, and that it be signifeit unto him the tyme of thair committing that thay ar poore creatouris and hes not of thair awne; and, for suche as sall ressave this allowance, that he suffer no other furnissing to be maid unto thame." Allowance for poor prisoners in the Tolbooth of Edinburgh.

Acta Oct. 1612–Nov. 1614. Fol. 120, a.

Sederunt—Chancellor; Mar; Cassillis; Caithnes; Lotheane; Cranstoun; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Ker; Sir Johnne Arnott. Edinburgh, 17th November 1614.

"Anent the supplicatioun presentit to the Lordis of Secreit Counsell be the takkismen of his Majesteis customes makand mentioun that, quhair Act granting the petition of the Tacksmen

of the Customs for leave to export a certain quantity of wool, notwithstanding a late Act of Council prohibiting the export of wool.

upoun the xxiiij day of August last thay obtenit ane licence frome the saidis Lordis, past, componit and payit for, for George Archibald, thair customair depute in Leythe, to transporte oute of this kingdome three thowsand stane weght of woll, quhairof befoir the 28th day of September last ane thowsand eyght hundreth and three stanes, and restis yitt to be transportit ane thowsand ane hundreth fyvescoir xvij stanes; nochtwithstanding of whilk licence it hes pleasit the saidis Lordis laitlie be publict proclamatioun to prohibite and restreane generallie the transporting of ony woll furthe of this kingdome [*ante*, p. 273],—a mater tending verie far to his Majesteis prejudice, bothe in respect of his Majesteis customes and bulyeoun,—humelie desyreing thairfoir the saidis Lordis to approve thair said licence forsamekle woll as is not yitt transportit thairupoun, lyke as at mair lenth is contenit in the said supplicatioun. Quhilk being red, hard, and considderit be the saidis Lordis, and thay remembering that the restreante and prohibitioun foirsaid procedit upoun ane directioun frome his Majestie, and upoun informatioun maid to his Majestie that grite quantitie of Englishe woll wes transportit frome thense heir and thairefter caryed oute of this kingdome to the prejudice of the estate of England, and the saidis Lordis being suirlie informit be the saidis customaris that thair comes no kynd of Englishe woll in this kingdome,—thairfoir, and in respect the prohibitioun foirsaid wes cheiflie for Inglishe woll, whairof thair comes nane in this cuntrey, the saidis Lordis approvis the licence foirsaid grantit to the saidis customaris for transporting of samekle woll as is not yitt transportit thairupoun, provyding alwayes that thay transporte no Englishe woll." Acta Oct. 1612–Nov. 1614.

Expenses of the Laird of Ratter in Orkney.

"An act in favouris of the Laird of Ratter allowing unto him ane hundreth merkis monethlie for his expensis during his remaning in Orknay, and ordaning him to be payit of the expensis to be bestowit be him upoun the dimolissing of the Castell of Kirkwall, according as the same salbe verifeit and testifeit be the Bischop of Orknay under his hand." Sederunts. Fol. 104, a.

Edinburgh, 22nd November 1614.

Sederunt—Chancellor; Bishop of St. Androis; Hamiltoun; Mar; Cassillis; Caithnes; Lotheane; Bishop of Caithness; Cranstoun; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocat; Kilsyithe; Bruntyland; Medop; Sir Andro Ker. Acta Oct. 1612–Nov. 1614. Fol. 120, b.

Warrant to the King's Advocate for the prosecution of Mr. James Moffat, Jesuit and mass-priest.

"Forsamekle as Mr James Moffett, ane Jesuite and messe preist, hes laitlie come in this cuntrey with his messe cloathis, and hes bene trafficquing bothe aganis the estate and trew religioun presentlie profest within this kingdome, hes sayd and hard messe, and utherwayes behavit him self in sindrie pointis aganis the lawis of this kingdome [*ante*, p. 284]: thairfoir the Lordis of Secreit Counsaill ordanis his Majesteis Advocat to libell and forme ane summondis or dittay aganis the said

Acta Oct. 1612–Nov. 1614.

Mr. James, to be persewit befoir his Majesteis Justice upoun suche crymes and according to suche informatioun as he sall ressave from the reverend fader in God, George, Archiebishop of St. Androis, and that his Majesteis said Advocat insist in the persute of the said preist for the saidis crymes, conforme to the lawis of this realme; whereanent thir presentis salbe unto the said Lord Advocat ane warrand."

Sederunts. Fol. 104, b.

"Ane missive to his Majestie in favouris of Mr. James Prymrois." Mr. James Primrose.

Acta Oct. 1612–Nov. 1614. Fol. 120, b.

"Sederunt ut in die predicto unacum Comite de Lynlythgow. Edinburgh, 24th November 1614.

"Forsamekle as, Robert Steuart, base sone to Patrik, Erll of Orknay, and some of his rebellious compliceis, haveing of laite raised ane oppin and most treasonable rebellioun aganis oure Soverane Lord and his auctoritie within the cuntrey of Orknay, first by the surprising, keeping, and detening of his Majesteis house and maner place of Birsay, exacting of subscriptionis and oathis of the cuntrey people to joyne with him in his rebellioun, and by the surpriseing of the steple and kirk of Kirkwall, assedgeing of his Majesteis schireff within the Castell of Kirkwall, and the commissair within the place of the Yairdis, and compelling of thame to rander the said castell and place unto him, whilkis he fortifeit with men, victuallis, and weirlyke provisioun, and keept and detenit the same aganis his Majestie and his auctoritie, of purpois and resolutioun to haif mantenit ane oppin rebellioun within the said cuntrey, and so far as in him lay to haif alienat and withdrawne the haill cuntrey people frome his Majesteis obedyence,—it pleasit his Majestie, with advise of the Lordis of his Prevey Counsell, for the suppressing of that rebellioun and reduceing of the said cuntrey to his Majesteis obedyence, to mak choise of his right traist cosine and counsellour, George, Erll of Caithnes, as ane most fitte and meete for that service, and authorized him with ane ample commissioun of lieutennandrie and justiciarie for that effect; Fol. 121, a. quhilk charge the said erll for testificatioun of his goode affectioun to his Majesteis service verie willinglie undertooke, and, being assisted with some of his Majesteis forces and with some munitioun and weirlyke furnitour, he, accompanyit with a grite nomber of gentilmen of his kin, freindship, and dependance, besydis nomberis of his awne cuntrey people, tennentis, and servandis, past to Orknay, whair, by his singulair wisdome, courage, foirsight and dexteritie, he hes recoverit the haill housis, holdis, and strenthis keept and detenit aganis his Majestie within the saidis boundis, hes execute to the deathe a nomber of the traytouris and rebellis who detenit the same, hes tane band of some otheris to be answerable quhen thay salbe callit for, and hes send and broght heir some of the principall actouris and ringleadaris in this rebellioun, and hes reduceit and setled the said cuntrey in a reasounable goode obedyence and quietnes, to his Majesteis goode lykeing and contentment, and to the conforte of the haill cuntrey people, who by the authouris of this rebellioun were lyke to be drawne undir a grite trouble and slaverye:

Approbation of the Earl of of Caithness and his assistants in the reduction of Orkney to his Majesty's obedience, with exoneration and indemnity to him and them for all that has been done in that service.

and the Kingis Majestie and Lordis of his Previe Counsell acknowledge- Acta Oct. 1612-Nov. 1614.
ing the goode and worthie procedingis of the said Erll in this service, and that in the haill course and progres thairof, and in all that intervenit and fell oute thairin, he and the gentlemen and utheris who accompanyed and assistit him had no privat respect nor consideratioun of thair awne, bot onlie the respect of his Majesteis service, and weele of the cuntrey:—Thairfoir his Majestie, with advise of the Lordis of his Previe Counsell, findis, decernis, and declairis that the said George, Erll of Caithnes, and the haill personis who accompanyit, assistit, and tooke pairt with him in this service, hes done most faithfull, trew, and acceptable service to his Majestie, for the weele and benefeit of the cuntrey, in thair repairing to the cuntrey of Orknay, with convocatioun of his Majesteis liegeis in weirlyke maner, with hacquebutis, pistollettis and utheris weirlyke ingynes, and in thair conferring, dealing, treating, and capitulating with the rebellis upoun termis and conditionis for rendering of the said Castell of Kirkwall, steple and kirk thairof, the placeis of the Yairdis and Birsay; in the persute, batterie, and assedgeing of the said castell bothe with cannoun and uther wearelyke ingyne; in the taking, apprehending, warding, confyneing, executioun to the deathe, putting under band and cautioun, and sending and bringing heir, of suche of the rebellis as hes bene tane, apprehendit, wardit, confyned, putt under band and cautioun, fand and broght heir upoun occasioun of this rebellioun and within the tyme of this service; in the recoverie and taking of the Castell of Kirkwall, the steple and kirk thairof, the placeis of the Yairdis and Birsay, and in the nominatioun and appointing of constablis for keeping of the said castell and place of Birsay, and in the appointing and nominatioun of deputis for administratioun of the officeis of schirefship and justiciarie within the saidis boundis; in the raiseing of fyre and burning of some housis ewest to the Castell of Kirkwall, fra the whilkis the traytouris within the castell ressavit conforte and supplee and intelligence of the said Erllis procedingis in his Majesteis service; in the geving directioun to his deputis to dimoleis the Castell of Kirkwall, conforme to the commissioun of the Counsell send to him for that effect [*ante*, p. 276]; in the bringing bak of his Majesteis cannonis with the furnitour thairof, togidder with the munitioun, ordnance, and armes being within the cuntrey of Orknay, and sometyme pertening to the said Erll of Orknay, according as the same salbe delyverit be the said Erll of Caithnes upoun inventair; and Fol. 121, b.
in the executioun of all and quhatsomevir utheris factis and deidis intendit, resolvit, and practized and committit be the said Erll of Caithnes and his foirsaidis, and whilkis hes intervenit and fallen oute in this service and upoun occasioun of the same, fra the begynning thairof untill the day and date heirof. All whilkis his Majestie with advise foirsaid haldis as exprest in this present approbatioun and discharge, and that the said Erll hes conformit him self to the commissionis, instructionis, and directionis be worde and write gevin to him thair-

Acta Oct. 1612–Nov. 1614.

anent:—Lyke as his Majestie, with advise foirsaid, ratifees, authorizeis, allowis, and approveis all the saidis deidis, and all and everie other thing that fell oute in the said service whairupoun ony actioun criminall or civile may be consavit or groundit, in everie heade, branche, point, article, and circomestance thairof: And exoneris the said Erll and his foirsaidis and thair airis of the same and of all actioun and caus criminall or civile that may be intentit or moved aganis thame or ony of thame or thair airis thairthrow for ever: ferme and stable halding, and to for to hald, all and whatsomevir thingis he or thay hes done heirin, dischargeing heirby all and sindrie judgeis, officeris, and ministeris of his Majesteis lawis of all calling, accuseing, or onywayes proceding aganis the said Erll and his foirsaidis, or granting of ony proces criminall or civile aganis thame or ony of thame in the causis foirsaidis, dischargeing thame thairof and of thair officeis in that parte be thir presentis."[1]

Commission for viewing and reporting on the collieries on the Forth.

"The Lordis of Secreit Counsaill, for the better satisfactioun and resolutioun of his Majestie in that mater anent the coillis [*ante*, p. 277], gevis pouer and commissioun to Alexander, Erll of Lynlythqw, Sir Williame Levingstoun of Kilsayth, Dundas of that Ilk, David Creichtoun of Lugtoun, Ramsay of Cokpen, Fawsyde, appeirand of that Ilk, and of Carslogy, or ony of thame, to vieu the haill coilheughis upoun the watter of Forthe, and to trye and considder whilk of thame may be intertenyit and upholdin by the land saile, and whilkis of thame can not be intertenyit and upholdin without a foreyne dispatche and seale of thair coillis, in respect of the grite chargeis and expensis whilk the intertenying and upholding of thame will necessarlie require; and that thay reporte to the saidis Lordis what thay do find in that mater; and that the commissionaris be writtin for to be heir upoun the first Wednisday of Aprile nixttocome."

"Heir endis this booke. JACOBUS PRYMROIS.—This booke contenis foureteene scoir of writtin leaveis."[2]

Commissions. Fol. 200, b.

Commission under the Signet, signed by the Chancellor, Hammiltoun,

[1] Compare this with the succinct account of the Earl's expedition to Orkney quoted from Calderwood, *ante*, p. 274, footnote.

[2] This formal attestation of the Clerk of the Council certifying the close of the preserved volume of the ACTA beginning 9th October 1612 and ending 24th November 1614, is rendered more than usually significant by the fact that the next preserved volume of the ACTA, in consequence of the tearing out long ago of what were once its opening leaves, does not begin till 21st March 1615. In other words, there is a gap from this point of nearly four months in the regular Register of the ACTA, —a gap the more unfortunate because it concurs with a portion of that longer gap of eighteen months in the Records of the DECRETA which began 14th December 1613, and will not end till 20th June 1615 (see *ante*, p. 198, footnote). Such memoranda of the ACTA as we shall be able to present for the next four months, therefore,—*i.e.* from the present point to 21st March 1615,—are derived from the imperfect substitutes for the regular Register offered by the BOOK OF SEDERUNTS and those HADDINGTON MS. EXCERPTS of which an account was given *ante* Vol. VI. pp. vii-ix. One loose leaf, indeed, of the torn-out original commencement of the next volume of the regular Register of the ACTA has accidentally survived, and will be duly incorporated.

Commission for the trial of William Christison for theft.

St. Androis, Mar, Cassillis, Lynlithgow, Caithnes, Lotheane, William, Lord Cranstoun, and Bynning, to the Sheriff of Lynlithgow and his deputies, to try William Crystesoun, son of the late Duncane Crystesoun, "travellour" in Striveling, a common and notorious thief, now in the custody of the said Sheriff within the tolbooth of Lynlithgow, who on examination has confessed divers acts of theft. Commissions.

29th November 1614.

Sederunt—Chancellor; Hammiltoun; Mar; Cassillis; Caithnes; Abircorne; Lotheane; Bishop of Caithnes; Binning; Cranstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Bruntyland; Medop; Sir Andro Ker. Sederunts. Fol. 104, b.

Feud between the Veitches of Dawick and the Hamiltons of Quotquot.

"Submissioun betuix William Vetche of Dawik, and Robert Vetche in Steuartoun, Vetche of Kingsyde, and Marioun Wauchop, relict of umquhile James Vetche in Steuartoun, for thame selffis, and takand the burding on thame for the bairnis of the said umquhile James and remanent thair kin and freindis, on the ane part, and Jonas Hammiltoun of Coitquott, for himself, and takand the burding on him for his brether, kin, and freindis, on the uther pairt. Thay haif promeist to nominat thair freindis this day fyftene dayis." Fol. 105, a.

John and Andrew Veitch.

"Chargeis aganis Johnne and Andro Vetcheis, sonis to umquhile Alexander Vetche in Hamiltoun, to compeir this day aucht dayis."

Commission for the apprehension of James Lindsay of Fairgirth and his three sons, at the horn for not answering to a charge of assault and wounding.

Commission under the Signet, signed by the Chancellor, Hamyltoun, Mar, Cassillis, Caithnes, Abercorne, Lothiane, Bishop of Caithnes, and Binning, to the Captain and Lieutenant of the Guard, the Steward of Kirkcubright and his deputies, the Provosts and Bailies of Drumfreis and Kirkcubright, Sir William Greir of Lag, and Edward Maxwell of Hillis, to apprehend and present to justice James Lindesay of Fairgirth, Robert, Johnne, and William Lindesay, his sons, who were put to the horn on 10th November instant, at the instance of James Lindesay, son of James Lindesay of Glenstokan, for not finding caution for their appearance in answer to the charge of wounding the said James in his left knee and leg, and mutilating him so that he cannot work and make his living. Commissions. Fol. 201, a.

1st December 1614.

Sederunt—Chancellor; St. Androis; Hamiltoun; Mar; Cassillis; Caithnes; Lynlythqw; Abircorn; Lotheane; Bishop of Caithnes; Cranstoun; Binning; Master of Elphingstoun; President; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Bruntyland; Medop; Sir Andro Ker; Sir Johnne Arnott. Sederunts. Fol. 105, a.

Coal-heughs.

"The Lordis appointis the first Wednisday of Aprile to the commissionaris appointit for visitatioun of the coilheughis to be heir."

Lord Berridale.

"Ane licence past to the Lord Berridaile to pas af the cuntrey."

Sederunts. Fol. 105, a.

Sederunt—Chancellor; St. Androis; Mar; Cassillis; Caithnes; Kinghorne; Lotheane; Bishop of Caithnes; Binning; President; Master of Elphinstoun; Justice Clerk; Advocate; Bruntyland; Medop; Sir Andro Ker; Sir Johnne Arnott; M^r^ G. Young. Edinburgh, 6th December 1614.

"The quhilk day Andro Vetche compeirit befoir the Counsaill, and declairit that he wes content to be comprehendit under the submissioun past betuix the Laird of Dawik and Jonas Hamiltoun of Coitquott for the slaughter of umquhile James Vetche." Andrew Veitch.

"The quhilk day the Erll of Caithnes produceit tua bookis, the one contening the lieutennent courtis haldin be him in Orknay and the punishment inflictit be him upoun the rebellis of Orknay, and the uther contening the actis tane be him of suche of the cuntrey people as he had under suspitioun to have bene guiltie of the rebellioun in Orknay. As alsua he produceit ane note of the munitioun and artaillarie broght be him frome Orknay, and ane inventair of the bestiall and goodis being within the said cuntrey and sometyme pertening to the Erll of Orknay. Quhilkis all being sene and considderit be the Lordis, thay find that in the saidis particularis he hes done goode service, and approvis the same."[1] Report of Earl of Caithness as to his service in Orkney.

Fol. 105, b.

"Ane licence to James Douglas, bruther to the Erll of Angus, to pas af the cuntrey, and to remane furthe thairof for three yeiris." Licence to James Douglas.

Sederunt—Chancellor; St. Androis; Mar; Cassillis; Caithnes; Kinghorne; Lotheane; Bishop of Caithnes; Scone; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Bruntyland; Medop; Sir Andro Ker; Sir Johnne Arnott; M^r^ George Young. Edinburgh, 8th December 1614.

"Ane letter frome his Majestie anent the Erll of Caithnes, allowing his repair to Courte." Earl of Caithness.

Sederunt—Chancellor; Mar; Kinghorne; Scone; Binning; Privy Seal; Treasurer Depute; Advocate; Bruntiland. Edinburgh, 10th December 1614.

"The Lordis of Secreit Counsaill haveing at lenth hard Sir Robert Dalyell, on the ane parte, and James Creichtoun, bruther to Williame, Lord Creichtoun of Sanquhair, on the uther pairt, anent the ground, caus, and occasioun of the trouble and persute quhilk fell oute betuix thame yesterday, the nynt of this instant, upoun the Hie Streit of this burgh, and finding by thair severall examinationis that the said Sir Robert gaif unto the said James ane lie yisterday within the Tolbuithe of this burgh, the Lordis being sittand in judgement for the tyme, and that the said James for reparatioun of the wrong alledgeit done unto him offerrit some violence and injurie to the said Sir Robert that same day in the afternoone upoun the Hie Streit of this burgh,—thairfoir Quarrel between Sir Robert Dalyell and James Crichton: both committed to ward.

[1] See footnote, *ante*, p. 274.

the saidis Lordis findis thame bothe in the wrong,—viz. Sir Robert for geving of the lie, and James Creichtoun for seiking a privat revenge without complening of the injurie done unto him,—and thairfoir ordanis thame bothe to be committit to warde within the Castell of Edinburgh quhill forder ordour be tane with thame." Sederunts. Fol. 106, a.

Edinburgh, 13th December 1614.

Sederunt—Chancellor; St. Androis; Glasgu; Mar; Cassillis; Caithnes; Kinghorne; Lotheane; Bishop of Caithnes; Scone; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Begister; Advocate; Kilsyithe; Bruntyland; Medop; Sir Andro Ker; Sir Johnne Arnott; M^r^ G. Young.

Liberation of Sir Robert Dalyell and James Crichton.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Sir Robert Dalyell of that Ilk, and James Creichtoun, bruther to Williame, Lord Creichtoun of Sanquhair, and declairit that thay wer finalie reconsiliat and aggreit, and that the variance and contraversie standing betuix thame is removit and tane away; and thay gaif thair grite and solemne oathe to keepe thair present friendship, and on nawayes to quarrell the one [with] another for ony preceding occasioun betuix thame; quhairupoun thay wer demittit and lattin to libertie."

Leith of Harthill.

"Ane missive frome his Majestie in favouris of Johnne Leythe of Hairthill."

Arbitration in the feud between the Veitches and the Hamiltons.

"The quhilk day Williame Vetche of Dawik, Andro Vetche, bruther to umquhill James Vetche of Steuartoun, and Williame Vetche of Kingsyde, compeirand personalie befoir the Counsaill, thay nominat Sir Gedeone Murray of Elibank, knight, Thesaurair Depute, and Sir Johnne Cokburne of Ormiestoun, Justice Clerk, as freindis and arbitouris for thame in the submissioun past betuix thame and Jonas Hamiltoun of Coitquott. And siclike compeirit personalie the said Jonas, and nominat Thomas, Lord of Binning, and Sir Alexander Drummond of Medop, as arbitouris for him in that same submissioun. And the saidis arbitouris acceptit the submissioun upoun thame, and appointit Fryday nixt to meete in the Counsalhous of this burgh for ressaveing and heiring of the pairtyis clames; quhilkis clames the partyeis promeist to haif in reddines, and to gif the same in that day."

Robert and Andrew Fletcher and the Burgh of Dundee.

"Ane commissioun to the Bischopis of Ross and Brechine to deale with the burgh of Dundee, and with Robert and Andro Flesheris, for setling of materis betuix thame and drawing of thame to freindship; and to reporte quhat thay sall do in these materis."

Edinburgh, 15th December 1614.

Sederunt—Chancellor; Cassillis; Caithnes; Kinghorne; Lotheane; Bishop of Caithnes; Scone; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Bruntyland; Sir Andro Ker. Fol. 106, b.

Harthill.

Ane missive to the Marques of Huntlie anent the goodman of Harthill.

Sederunts. Fol. 106, b.

Sederunt—Chancellor; St. Androis; Glasgu; Cassillis; Caithnes; Kinghorne; Lotheane; Bishop of Caithnes; Scone; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medop; Mr. G. Young. Edinburgh, 20th December 1614.

[No record of proceedings.]

Sederunt—Chancellor; St. Androis; Cassillis; Caithnes; Kinghorne; Bishop of Caithnes; Scone; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsayth; Bruntyland; Medop; Sir Johne Arnott; M^r^ G. Young. Edinburgh, 22nd December 1614.

"The quhilk day a deliverance and warrand wes past to the Gaird, at the instance of the Lord Sinclair his creditoris, for taking of him oute of his ludgeing, and carying him to warde to the Castell of Edinburgh; quhilk delyverance contenit a warrand to the capitane and keeperis of the Castell to ressave him." Lord Sinclair.

"Ane missive to his Majestie in favouris of Capitane Papler (?)." Captain Papler (?).

"Ane missive frome the Counsell to the Laird of Calder, Lieutennent in Ila." Laird of Calder.

"Ane missive frome the Commissionaris of the Rentis to the Erll of Murray anent the customes of Spay." Earl of Moray.

Sederunt—Chancellor; Cassillis; Binning; President; Privy Seal; Justice Clerk; Advocate; Medop. Edinburgh, 24th December 1614.

Fol. 107, a.

"The quhilk day the Laird of Ratter, Sheriff Depute of Orknay, maid his reporte of his procedingis thair; and the Lordis approvis his service, and findis that he hes behavit him self dewtifullie thairin." Orkney and the Laird of Ratter.

"The Lordis findis that the Castell of Kirkwall, whiche is not all yitt dimolisheit and cassin doun conforme to the ordinance of the Counsell maid to that effect, sould be laid upoun his Majesteis chargeis ay and quhill it be tane af the present shireffis handis; and, whereas the schiref depute of Orknay hes foure souldiouris within the said house, who hes had the charge of the keeping thairof sen the first of November last, thairfoir the saidis Lordis allowis to everyone of the saidis foure souldiouris aucht shillingis in the day, to be payit to thame be his Majesties Thesaurair Depute furth of the reddiest of his Majesteis rentis of Orknay, begynnand the first dayis payment upoun the said first day of November, and sua to continew so lang as the saidis foure souldiouris, or ony utheris in thair roumes, salhave the charge of the keping of the said house, quhill it be tane af the said schiref deputis handis, as said is." Pay of Garrison of the Castle of Kirkwall.

"Quhairas by ane formair act and ordinance of Counsell the Castell of Kirkwall is ordanit to be dimolisheit and cassin doun upoun his Majesteis chargeis, and some objectionis haveing bene maid anent this mater, bothe anent the expensis quhilk the full dimolisheing of the said house will Anent the demolition of the Castle of Kirkwall.

require, and what expensis wilbe requisite for taking doun of the pendis, rooffe, and loftingis of the said house, and making of the said house that way undefensible, and to serve for na use nor purpois, the Lordis of Secreit Counsaill remittis to his Majesteis Thesaurair Depute to resolve and tak ordour for dimolisheing of the said house in haill, or taking doun of the pendis, rooffe, and loftingis thairof in suche forme as he sall think the same may be most easilie done, and with least chargeis to his Majestie." [See *Book of Isles.*] Sederunts. Fol. 107, a.

In the matter of the resignation by Janet Scott in Elcho of her rights of succession to the property of her late brother, Andrew Scott in Nuremberg.

"Forsamekle as Jonnett Scott in Elcho, lauchfull suster and air to umquhile Andro Scott in Norimberg, with advise of David Udny, hir spous, for his interesse, hes upoun some speciall considerationis and for soumes of money payit unto thame renunceit thair ryght of all landis, heritageis, goodis, and geir, whilkis hes or may befall to thame by deceise of the said Andro Scott, and that in favouris of Walter Reid in Norimberg, and hes gevin unto him full pouer, warrand, and commissioun to intromett thairwith and to persew for the same as accordis, as thair renunciatioun and attestatioun gevin thairupoun be the provest, bailleis, and counsell of the burgh of Perth, under the commoun seale of the said burgh and subscriptioun of thair clerk in thair names, showne to the Lordis of Secreit Counsaill, bearis. And, to the effect the said renunciatioun and attestatioun of the burgh of Perth may have the greatair faithe and credite quhairevir the samin salhappin to be produceit in judgement, outher befoir the magistratis of Norimberg, or befoir any utheris quhatsomevir, thairfoir the saidis Lordis hes thoght meete to accompany the same attestatioun with ane letter and declaratioun of thairis, testifeeing the said attestatioun to be a lauchfull and trew wryte, and ordanis this thair letter and declaratioun to be subscryvit in thair names be his Majesteis Secretair, and the previe seale to be appendit thairto. For the subscryving quhairof and appending of the said previe seale thir presentis salbe unto the said Lord Secretair and to the Lord Keepair of the Prevey Seale ane sufficient warrand." Fol. 107, b.

Order for the examination by James Primrose, and delivery to the Bishop of Galloway, of certain documents relating to the King's Chapel Royal presented to the Council by John Gib, one of the Grooms of the Bedchamber.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie M[r] James Lawtye, advocat, in name of Johnne Gib, one of the Groomes of his Majesteis Bed Chalmer, and produceit and exhibite befoir the saidis Lordis ane wallatt of quhyte ledder, quhairin wes contenit ane certane nomber of bullis, letteris, and writtis, all in parchement, concerning his Majesteis Chappell Royall; as alsua he produceit ane register in parchement, coverit with brodis of tymmer and auld broun ledder abone the tymmer brodis, contening thairin some evidentis and writtis concerning the said Chappell Royall. Quhilk wallatt with the writtis foirsaidis and register the saidis Lordis delyverit to James Prymrois, Clerk of his Majesteis Counsell, and ordanit him to inventair the haill letteris and writtis within the said wallatt; and to insert the said inventair in the buikis of Secreit Counsaill; and to delyver the same writtis upoun inventair to Williame, Bischop of Galloway; as alsua ordanit the said James to nomber and mark the

Sederunts. haill leavis of the said Register with his name; and lykewayes to delyver the said register to the said Bischop, he gevand his taken in dew and autentik forme upoun the ressett of the haill."

Sederunt—Chancellor; St. Androis; Cassillis; Caithnes; Kinghorne; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Advocate. Edinburgh, 28th December 1614.

"Ane missive frome his Majestie anent Robert Steuart and the remanent Orknay prisonnaris." Robert Stewart and other Orkneymen.

"Ane warrand past to the Justice and Justice Clerk to putt thame to ane assise upoun the fyft of Januair nixt for the treasonable rebellion raisit be thame within Orknay." Warrant for their trial.

"Ane warrand past to the Advocat to persew thame the said day." The same matter.

"Ane missive directit to Sir Williame Hairt, Justice, to be present heir the said day to attend his office." The same.

"Chargeis to be direct aganis the Erll of Cassillis and Bargany to compeir befoir the Counsell upoun the xij of Januair nixt." Cassillis and Bargany.

Haddington Excerpts. Fol. 409, a.

"Acquittance to the Bishop of Gallaway of the writts of the Chappell Royall." 31st December 1614. Bishop of Galloway.

Sederunts. Fol. 108, a.

Sederunt—Chancellor; St. Androis; Cassillis; Lotheane; Bishop of Caithnes; Scone; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Medop; M^r^ G. Young. Edinburgh, 10th January 1615.[1]

"Ane act admitting Sir James Steuart to the office of schireffship of Orknay." Orkney Sheriffship.

"Ane charge aganis the Lord of Scone, Andro Hendersoun, and thair creditouris, to compeir the 24th of this instant."[2] Lord Scone and Andrew Henderson.

[1] On the 5th of January there had taken place, as appointed (*supra*), the trial in Edinburgh of Robert Stewart, natural son of the Earl of Orkney, together with five of his associates :—viz. Thomas Black, late chamberlain to the Earl ; Archibald Murray, wright in Birsay; Andrew Martin, late secretary to the Earl ; Alexander Laing, late servant to the Earl ; and Thomas Laing, indweller in Kirkwall,—all for the crime of treason, in having surprised and taken the Castle, Church, and Steeple of Kirkwall, and having resisted the Earl of Caithness, as his Majesty's Lieutenant in Orkney (see *ante*, p. 275, footnote). For an account of the trial, and relative documents, see *Pitcairn*, iii. pp. 272–307. The following from Calderwood (vii. p. 194) gives the result:—"Upon the 6th of Januar 1615, Robert Stewart, sone naturall to the Erle of Orkney, with other fyve of his complices, ... were hangit at the Mercate Crosse of Edinburgh, and died penitent. The said Robert confessed his father the Erle, who then was wairdit in the Castle of Edinburgh, commandit him to doe that which he did ; but granted he gave him a contaremand before he entered in execution. The gentleman, not exceiding twentie-two yeirs of age, was pitied of the people for his tall stature and comelie countenance."

[2] The "Andro Hendersoun" who now reappears is no other than the famous Andrew Henderson who was the mysterious man in armour in the turret of Gowrie House in Perth at the tragedy of the Gowrie Conspiracy in 1600. For his various re-appearances since see previous Volumes by the Indexes ; and, for his recent troublesomeness in some matter between him and Lord Scone, see more particularly the Index to Vol. IX. and p. xciii of the Introduction to that volume.

Edinburgh, 12th January 1615.

Sederunt—Chancellor; St. Androis; Glencairne; Cassillis; Lotheane; Bishop of Caithnes; Scone; Binning; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Medop; Sir Andro Ker; Mr. G. Young. Sederunts. Fol. 108, a.

Earl of Orkney.

"Ane missive frome his Majestie anent the Erll of Orknay, and anent ansuer thairunto frome the Counsell.

Edinburgh, 17th January 1615.

Sederunt—Cassillis; Lotheane; Bishop of Caithnes; Scone; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Medop; Bruntyland; Mr. G. Young.

[No record of proceedings.]

Edinburgh, 19th January 1615.

Sederunt—Chancellor; St. Androis; Glencairne; Cassillis; Lotheane; Bishop of Caithnes; Scone; Cranstoun; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntyland; Medop; M^r. G. Young. Fol. 108, b.

Cassillis and Bargany.

"Submissioun past betuixt the Erll of Cassillis and Laird of Culleane on the ane pairt and the Laird of Bargany on the uther pairt."

Walter Geddie.

"Ane missive to his Majestie anent Walter Geddie."

Edinburgh, 24th January 1615.

Sederunt—Chancellor; Hamiltoun; Glencairne; Cassillis; Lotheane; Bishop of Caithnes; Scone; Cranstoun; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Bruntyland; Medop; M^r George Young.

Bush-fishing.

"Ane letter frome his Majestie anent the bushe fisheing, and chargeis direct thairupoun aganis the Bischopis of St. Androis, Abirdene, Orknay, Sir James Steuart of Killeith, the ministeris of Pittinweyme, Anstruther, and Carraill, to [be] heir this day twentie dayis."

Lord Scone and Andrew Henderson.

"Submissioun and decreit arbitrall betuix the Lord of Scone and Andro Hendersoun" (see *ante*, p. 297).

Beggars.

"Commissioun past to certane baronis in the North aganis strong and vagabound beggaris."

Edinburgh, 26th July 1615.

Sederunt—Chancellor; Glencairne; Cassillis; Lotheane; Bishop of Caithnes; Scone; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medop; Sir Andro Ker; Sir Johnne Arnott; M^r G. Young.

[No record of proceedings.]

Sederunts. *Sederunt*—Chancellor; Glasgu; Dunkeld; Caithnes; Orknay; Dunblane; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate. Edinburgh, 27th January 1615.

[No record of proceedings.]

Fol. 109, a. *Sederunt*—Chancellor; Glasgu; Glencairne; Lotheane; Bishop of Caithnes; Scone; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Bruntyland; Sir Peter Young; M^r G. Young, Edinburgh, 31st January 1615.[1]

"Ane act appointing assessoris to the Justice in the persute aganis the Erll of Orknay."[2] Earl of Orkney

"Ane missive frome his Majestie anent the Erll of Orknay." Ditto.

"Ane missive frome his Majestie anent the tortouring of Jesuitis." Jesuits.

"Ane charge aganis Andro Hendersoun and his wyffe that thay go not to Courte." Andrew Henderson

Minute Book. The *Minute Book of Processes* gives the following memoranda collectively for the month of January 1615:—

Imprisonment: Johne Scott against the Magistratis of Ruthglen.

Warrand to direct letteris against the Lord Scone and Andro Hendersone, anent the contraversie standing betuixt them, and the judgeis arbitratoris nominat for decyding thairof to give informatione.

Item: ane decreit arbitrall pronunced be the Lordis of Counsell betuixt the saidis parties.

Act reestablishing Sir James Stewart of Killeith schireff of Orkney.

Rebellione: Arthour Houstoun against Johne Carron, &c.

[1] Three days before this date, viz. on the 28th of January 1615, the enterprise of Campbell of Caddell for the recapture of the Castle of Dunivaig and the suppression of the rebellion in Islay (*ante*, p. 280, footnote) had been brought to a triumphant conclusion. The facts are thus succinctly related by Calderwood (vii. 195):—"About the end of Januar the Laird of Caddell, assisted with ane armie of Hieland men, and two Englishe shipps out of Irland, furnished with canon, powder, and bullet, efter long treattie with the rebells in Ila, landit sixe peece of canon, and shott at the Castle of Dumnivege. Anguse Oog, the cheefe man within the castle, and forteene with him, came furth upon their owne hazard, and committed themselfs to the Lieutenant's mercie. The rest preassed to escape by boates in the night; which when those that were in the shipps perceaved, one of the boates was sunke, and sevin swimming to land were apprehendit; but the other boate escaped. Sundrie were slaine at the taking of the hous, both within and without: these that escaped were hardlie persued."—About twenty of the Islay rebels, it may be added, having been tried and condemned to death by a Justice Court which the Laird of Caddell held immediately after the surrender of the Castle, were executed on the spot; while Angus Oig himself and other chief men were reserved for the disposal of the Privy Council in Edinburgh. Of the escaped fugitives the most important was Coll MacGillespick, alias *Coll Kittach* (Coll the left-handed), a man of note among the Macdonalds of his time, and memorable as the father of that later Allaster Macdonald MacGillespick (also a left-handed giant) who was the Lieutenant-General of Montrose in his great Scottish movement of 1645, and was the "*Colkitto or Macdonnel or Galasp*" of one of Milton's sonnets.

[2] "Act appointing assessours to the Justice in the criminall proces againes the Earle of Orkney: the Chancellar, Secretarie, President, Justice Clerk, and others."—*Haddington Excerpts*, fol. 409, a.

Proces for wearing pistollettis: M^cCleud of Hereis against Ewir M^cGillichallum, &c. Minute Book.

Rebellion: Jaques Inglis against Jean Stewart.

Rebellion: Thomas Meldrum against Thomas Dempster.

Oppression: Earle of Glencarn against the Lord Kilmaueris his sone.

Letteris: rebellion: Johne Dempster against Georg and Robert Dempsteris.

Ryott: Johne Finlason against Alexander Craufurd.

Rebellion: Campbell of Glenurghie against George Musheit.

Ryott: Robert Wood against Francis Ogilbie.

Proces for pistollettis: Francis Ogilbie against Sir Hary Wood.

Ryott: Johne Reid against Nicoll Rosse.

Ryott: Johne Fairlie against M^r James Nicolsone.

Ryott: Earle Crawfurd against Sir Hary Lindsey.

Protestatione: Sir Hary Lindsey against Earle Craufurd.

Act for charging the Bishop of St. Androis and otheris pretending right to the teind of the bush fishing to hear and sie them discharged thairof or otherwayes.

Rebellion: Archibald Primrose against Johne Stewart.

Ryott: Francis Ogilbie against Robert Wood.

Ryott: Johne Findlay against Johne Blair.

Rebellion: Agnes Jonstoun against Johne Jardin.

Letteris: Advocatt against M^r Clement King, &c., for the resett of Moffatt, a Jesuit.

Act ordaning the Lord Chancellar and severall utheris honorable persones to be assessoris to the Justice in the tryeall of the Earle of Orkney his dittay of treasone.

Edinburgh, 1st February 1615.

Sederunt—Chancellor; Glasgu; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medop. Sederunts. Fol. 109, a.

[No record of proceedings.]

Edinburgh, 2nd February 1615.

Sederunt—Chancellor; Glasgu; Mar; Glencairne; Cassillis; Lotheane; Bishop of Caithnes; Scone; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Bruntyland; Medop; Sir Peter Young; M^r G. Young.

Earl of Orkney.

"Ane act continewing the executioun of the Erll of Orknay till Mononday nixt, the saxt of this instant."

Commission to Mackenzie of Cogach and other Mackenzies for the custody of certain Highland criminals.

Commission under the Signet signed by the Chancellor and Bynning to Rorie M^cKanzie of Cogach, Mr. Coline M^cKanzie of Stragarve, Mr. Alexander M^cKenzie of Kemnok, and Alexander M^cKanzie of Coule, to receive Malcome Coygach M^cEane V^cIntagart, Callum Dow M^cAllaster, Donald M^cAngus M^cGillichallum, Gillichallum M^cInreoch, and James Commissions Fol. 202, b.

M^cEwir, from the Magistrates of Edinburgh, in whose keeping they are, to carry them north, and keep them in ward till all things be ready for their trial for murder, mutilation, theft, resset, &c.

Sederunts. Fol. 109, a.

Sederunt—Chancellor; Glasgu; Cassillis; Bishop of Caithnes; Binning; Master of Elphinstoun; President; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Medop; Sir Andro Ker; Sir Peter Young; M^r George Young. Edinburgh, 7th February 1615.[1]

"The Lordis appointis to the landislordis of the Clangregour ony tyme betuix and the last day of Junij for chargeing of the Clangregour to compeir befoir thame to rander thair obedience." Clangregor.

Commissions. Fol. 201, b.

Commission, signed by the Chancellor, Cassillis, Glasgow, Binning, and A. Elphingstoun, for one year to William, Earl of Monteith, to try all persons on his lands suspected of theft, resset, &c. Commission to the Earl of Menteith for the trial of criminals.

Fol. 202, a.

This day appeared Williame Stirling, parson of Aberfoull, and became cautioner for William, Earl of Monteith, that he shall account with the Exchequer for the whole escheat of persons convicted in the courts of justiciary held in accordance with the above Commission.—(Signed) "Mr. William Striviling, person of Abirfuill" (*autograph*). 8th February 1615. Caution for the Earl of Menteith in the matter of his commission of yesterday.

Sederunts. Fol. 109, b.

Sederunt—Chancellor; Cassillis; Lotheane; Bishop of Caithnes; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medop; Sir Andro Ker; Sir Peter Young; M^r. G. Young. Edinburgh, 9th February 1615.

"Submissioun betuix the Laird of Bonnytoun and Frances Ogilvy." Francis Ogilvie.

"Warrand past to putt Johnne Shairp, Duncane Mitchell, and Duncane M Claren to libertie (*See* p. 281)." Orkney-men liberated.

[1] On Monday the 6th of February there had been an end to all the long troubles, heard of in scores of preceding entries in this Register, of the King's cousin, Patrick, Earl of Orkney, the redoubted "Earl Pate" of Orkney and Shetland legends to this day. His trial for various crimes of Rebellion, Tyranny and Oppression, and High Treason, had come to pass at last on the 1st of February in the Tolbooth of Edinburgh, before Justice Sir William Hart and nine assessors, all Senators of the College of Justice and Privy Councillors (Chancellor Dunfermline and Secretary Lord Binning among them),—the King's Advocate Sir William Oliphant prosecuting, and the Jury consisting of the Earls of Glencairn, Winton, Perth, Lothian, and Tullibardine, Lords Scone, Sinclair, Herries, Torphichen, Semple, and Kilmaurs, with four Lairds. For the details, see *Pitcairn*, iii. 308–327. Calderwood's summary (vii. 195) is as follows:—"It was thought that, if he had not twentie dayes before confessed that he was the author of the said rebellion [the recent rebellion by his son in Orkney] and come in the King's will for the same, that hardlie could he have beene convicted by anie law. The wiser and elder sort of the nobilitie withdrew themselfs from his assise. He had sent to the Court to obtaine favour; but noe appearance of returning anie answeir. The ministers, finding him so ignorant that he could scarce rehearse the Lord's Prayer, entreated the Councel to delay his execution some few dayes, till he were better informed and receaved the Lord's Supper. Their petition was assisted with the requeist of some noblemen, and granted. So he communicate upon the Lord's day the 5th of Februare, and was beheadit at the Mercate Crosse of Edinburgh upon Monday the 6th of Februare."—It was exactly a month since his son had been hanged at the same place.

Earl of Cassillis and Josias Stewart.

"The quhilk day Johnne, Erll of Cassillis, being callit befoir the Lordis of his Majesteis Counsell upoun occasioun of some threatning and mınassing speecheis allegeit utterit be him aganis Josias Steuart, bruther to the Lord Uchiltrie, importing ane upgeving of freindship and kyndnes with him, in the tyme of the submissioun standing betuix his lordschip and the Laird of Bargany, and the said Erll being demandit yf he had utterit ony suche speecheis, he declairit that he wes mistane in that mater, affermeing upoun his honour and credite that, yf the braithe of his mouthe myght harme the said Josias or ony of the house of Bargany, that he wald not braithe upoun thame; with the quhilk declaratioun the saidis Lordis restit satisfeit." Sederunts. Fol. 109, b.

Liberation of Norman MacLeod and Rory MacNeill MacLeod, on their own obligations to go into foreign banishment.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Normond M^cCleud, sometyme in the Lewis, and Rory M^cNeill M^cCleud, and actit and oblist thame that within the space of fourty dayis after thair releif furthe of thair warde quhair thay remane within the Tolbuithe of Edinburgh thay shall depairt and pas furthe of his Majesteis dominionis and nevir returne agane within the same during thair lyvetymes, under the pane of deade; and in the meantyme, quhill thair passing furthe of his Majesteis dominionis, that thay shall not go benorthe the watter of Tay, under the said pane, to be execute upoun thame without favour yf thay failyee in the premisis. And thay gaif thair grite and solemne oathe to performe the conditionis of this present act; and forder the said Normond declairit that he wald renunce, lykeas be the tennour of this present act be renunceit, his Majesteis remissioun and pardoun grantit unto him, and all favour and benefeit that he could acclame by the said remissioun, incaise he failyeeit in the premisis. Inrespect quhairof the saidis Lordis ordanit the saidis Normond and Rory to be putt to libertie and fredome furthe of the Tolbuithe. Lykeas thair wes ane warrand subscryvit to the Provost and Bailleis of Edinburgh for that effect. Lyke as alsua Rory M^cKanyee of Coigache, Tutour of Kintaill, in name of the Lord Kintaill, compeirit personalie befoir the saidis Lordis, and consentit to the libertie and releis of the saidis personis." Fol. 110, a.

Protest by the Tutor of Kintail.

The Lords admit the protest of the Tutor of Kintaill that neither the Lord Kintaill nor he should be held responsible any longer for the expenses of the said Normond in ward, seeing that the said Normond was now at liberty, and he (the Tutor) had given his consent.

Edinburgh, 14th February 1615.

Sederunt—Chancellor; Glasgu; Glencairne; Cassillis; Lotheane; Binning; Master of Elphinstoun; President; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Bruntyland; Sir Peter Young; M^r G. Young.

Bush-fishing.

"The questioun anent the bushe fisheing remittit to the Sessioun."

Edinburgh, 16th February 1615.

Sederunt—Chancellor; Glasgow; Glencairne; Cassillis; Lotheane; Binning; Master of Elphinstoun; President; Privy Seal;

Sederunts. Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Bruntyland; Sir Andro Ker; Sir Peter Young; M^r G. Young.

"The quhilk day Mr. Thomas Hendersoun, commissair of Edinburgh, wes committit to warde in the Castell of Edinburgh for misuseing Mr. Edward Marshaell in the Commissarie Chalmer, calling him knave, and gevand him ane cuff; quhilk wes verifeit and provin in presence of the saidis Lordis by divers witnessis ressavit, admittit, and sworne in that mater." Mr. Thomas Henderson warded for assaulting Mr. Edward Marshall.

"Ane proclamatioun aganis the rebellis of Ila." [See *Book of Isles.*] Islay.

[Sederunt not recorded.] Edinburgh, 17th February 1615.

"Missive to Donald Gorme, M^cClane, and Capitane of Clanrannald that thay suffer nane of the rebellis of Ila to be ressett in thair boundis." Donald Gorme and others.

Fol. 110, b. "The quhilk day Sir Rory M^cCleud of Hereis, and Rory M^cKanyee of Coigache, Tutour of Kintaill, compeirand personalie befoir the Lordis of Secreit Counsaill, promeist that thay sall send present advertisment and directioun, viz. the said Sir Rory to his cuntreyis, landis, and possessionis, and the said Rory M^cKanyee to the Lewis, that nane of the rebellis of Ila, especialie Coill M^cGillespik and Malcolme M^cRorie M^cCleude, salbe ressett in the saidis boundis; and, yf the saidis rebellis salhappin to come thair, that thay shalbe huntit, followit, and persuit with fyre and swerd as rebellis and tratouris to God, thair King, and cuntrey. Lyke as thair wes delyverit to the said Rory M^cKanyee ane proclamatioun prohibiting the ressett, supplee, and intercommoning with the saidis rebellis, and ane missive letter direct frome the Lordis of Secreit Counsaill to Donald Gorme of Slatt willing him to keepe his cuntrey and boundis cleene and free of the saidis rebellis. Whilk proclamatioun the said Rory M^cKanyee promist to caus publishe deulie and ordourlie at the mercat croce of Innernes, and utheris placeis neidfull in the northe; as alsua he promeist to send the missive foirsaid to the said Donald Gorme with diligence." Promise by MacLeod of Harris and Mackenzie of Coigach to pursue the Islay rebels.

Sederunt—Chancellor; Bishop of Glasgow; Glencairne; Cassillis; Lotheane; Binning; President; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Bruntyland; Medop; Sir Andro Ker; M^r G. Young. Edinburgh, 21st February 1615.

"Ane commissioun aganis Johnne Ogilvie, preist." John Ogilvie.

"Ane submissioun and decreit arbitrall betuix the Bischop of Galloway and the relict of the laite Bishop of Galloway." Bishop of Galloway.

"Ane missive frome his Majestie anent Walter Geddie." W. Geddie.

"Ane missive frome his Majestie anent Sir Johnne Lindsay." Sir John Lindsay.

"Ane missive frome his Majestie anent Andro Hendersoun." Andrew Henderson.

23rd February 1615. *Sederunt*—Chancellor; Glencairne; Cassillis; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; M^r^ G. Young. Sederunts.

Lent. "Proclamatioun anent Lentrone."

False Coin. "Proclamatioun anent fals coyne." Fol. 111, a.

Edinburgh, 28th February 1615.[1] *Sederunt*—Chancellor; Cassillis; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Bruntyland; Sir Peter Young; M^r^ G. Young.

Report of Lord Binning, Sir James Stewart of Killeith, and Sir John Cockburn of Ormiston, of the failure of their endeavours to settle by arbitration the differences between the Earl of Cassillis and Kennedy of Bargany and between Kennedy of Bargany and Kennedy of Culzean.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Thomas, Lord of Bynning, one of the arbitouris for Johnne, Erll of Cassillis, on the ane pairt, and Sir James Steuart of

[1] On this day, the last of February 1615, there was hanged at Glasgow that Mr. John Ogilvie, Jesuit, of whose arrest in the preceding October (one of a number of Jesuits and seminary priests arrested about that time in consequence of a sudden access of zeal on the part of the two Archbishops and the Privy Council for the prosecution of Roman Catholic agents in Scotland) mention has been made, *ante*, p. 286, footnote. His name has occurred subsequently in several entries, the last on the 21st of February (*ante*, p. 303). As the case of this Ogilvie is believed to be the only distinctly recorded case in Scottish History after the Reformation of the actual infliction of the punishment of death on a Roman Catholic on account of his religion, it caused considerable excitement at the time, and is still referred to with interest. A full account of it will be found in *Pitcairn's Criminal Trials*, iii. 330–352; where there is included a reprint of a contemporary tract, of date 1615, printed at Edinburgh by Andro Hart under the title *A True Relation of the Proceedings against John Ogilvie, a Jesuit.* Spotswood, also, in his *History* (pp. 521–523), devotes more space than he usually bestows on any one transaction to this case of Ogilvie of the Jesuit,—the reason, doubtless, being that Spotswood himself, as Archbishop of Glasgow, was the principal manager of the case, and may have been a little ashamed of it afterwards, and anxious to leave the most plausible account of it he could. Calderwood's account of it (vii. 193 and 196) is more brief than Spotswood's. The following is a summary of the facts from these various authorities:—The first examination of Ogilvie had been in Glasgow just after his arrest by Archbishop Spotswood; and he had remained a prisoner in Glasgow till December 1614. Brought to Edinburgh on the 8th of that month, he was examined again on the 12th before a commission appointed for the purpose, consisting of Secretary Lord Binning, Livingstone of Kilsyth, Treasurer Depute Sir Gideon Murray, and Lord Advocate Oliphant. Very little was made of him at first,—his answer to the query as to his reasons for coming into Scotland being simply "to save souls," while he refused to give information as to those with whom he had consorted. Offended by his obstinacy, the Commissioners resolved to try the effects of torture; "which being "intimated to him, and he replying that he "was ready to suffer what they pleased, it "was thought fit to prove him with the most "easiest forme of tryall that could be used. "And here,—it being remembered that, on "the tryall of some criminal persons, it was "found that nothing helped [more] to find "out the trueth of the faults wherewith they "were charged than the with-holding of "their naturall rest,—it was advised that "he should be kept without sleepe for some "nights: which was accordingly done; and "during which time it was perceived that "hee remitted much of his former obstinacie, "and, falling to discover certaine of his "receavers in Edinburgh, gave hope that by "gentle usage hee could bee drawne to give "their lordships contentment." To this, which is from Andro Hart's printed tract, Spotswood adds that "how soon he was per-"mitted to take any rest he denied all, and "was as obstinate in denying it as at first." In these circumstances, as Christmas time was drawing on, when business would be at a stand-still in Edinburgh, Spotswood, who

Sederunts. Fol. 111, a.

Killeith, knight, ane of the arbitouris for Kennedy of Bargany, on the uther pairt, in the submissioun past betuix the said Erll of Cassillis and Laird of Bargany upoun the secund day of Februair instant; and siclyke compeirit personalie the said Sir James Steuart of Killeith, ane of the arbitouris for the said Laird of Bargany in the submission past betuix him and Kennedy of Culleane, on the ane pairt, and Sir Johne Cokburne of Ormestoun, knyght, ane of the

was about to return to Glasgow, and was, as the printed tract says, "unwilling to discharge himselfe of that prisoner till hee might at leasure wake him to a better minde," obtained leave to carry the poor Jesuit back with him to Glasgow. From this point Spotswood himself will be the best narrator:—"His Majesty, being certified that without "torture nothing would be drawn from him, "made answer: that he would not have those "forms used with men of his profession; and, "if nothing could be found but that he was a "Jesuit and had said Mass, they should banish "him the countrey and inhibit him to return "without licence, under pain of death. But, "if it should appear that he had been a "practiser for the stirring up of subjects to "rebellion, or did maintain the Pope's trans-"cendent power over Kings, and refused to "take the Oath of Allegeance, they should "leave him to the course of law and justice. "Meanwhile his pleasure was that the "questions following should be moved unto "him, and his answers thereto required:— "1. Whether the Pope be Judge and hath "power *in spiritualibus* over his Majesty, "and whether that power will reach over his "Majesty *in temporalibus* if it be *in ordine* "*ad spiritualia*, as Bellarmine affirmeth. "2. Whether the Pope hath power to excom-"municate Kings (especially such as are not "of his Church, as his Majesty). 3. Whether "the Pope hath power to depose Kings by "him excommunicated, and, in particular, "whether he hath power to depose the King's "Majesty. 4. Whether it be no murther to "slay his Majesty, being so excommunicated "and deposed by the Pope. 5. Whether the "Pope hath power to assoil subjects from the "oath of their born and native allegeance to "his Majesty. These questions were sent "inclosed in a letter to the Archbishop of "Glasgow; who, assuming to himself the "Provost of the City, the Principall of the "Colledge, and one of the Ministers, as "witnesses, did in their hearing read the "questions, and receive his answer, which "he gave under his hand, as followeth:—I "acknowledge the Pope of Rome to be Judge "unto his Majesty, and to have power over "him *in spiritualibus*, and over all Christian "Kings. But, where it is askt whether "that power will reach over him *in tem-*"*poralibus*, I am not obliged to declare my "opinion therein, except to him that is "Judge in Controversies of Religion, to wit, "the Pope, or one having authority from "him. For the second point, I think that "the Pope hath power to excommunicate "the King: and, where it is said that the "King is not of the Pope's Church, I answer "that all who are baptized are under the "Pope's power. To the third, where it is "askt if the Pope hath power to depose the "King, being excommunicate, I say that I "am not tied to declare my minde except to "him that is Judge in controversies of Re-"ligion. To the fourth and fifth I answer "*ut supra.*—Being reasoned with a long "time, and the danger exponed wherein he "did cast himself by maintaining such "treasonable opinions, he answered that he "would not change his minde for any danger "that could befall him; and, speaking of the "Oath of Allegeance, that it was a damnable "oath, and treason against God to swear it. "Some daies being allowed him to bethink "himself better of these points, whenas no "advice could prevail, the answers were sent "to his Majesty subscribed by himself, and "therewith a testification of such as were "present at the giving thereof."

Thence we may pass to the actual trial of Ogilvie. It was in the Town-house of Glasgow, the 28th of February 1615, before a special commission appointed by the Privy Council on 21st February, and consisting of the Provost and Bailies of Glasgow, with these assessors,—Archbishop Spotswood, the Marquis of Hamilton, the Earl of Lothian, Lords Sanquhar, Fleming, and Boyd, and Sir Walter Stewart, bailie-depute of the Regality of Glasgow. The indictment against him was for high treason in declining the King's authority, alleging the supremacy of the Pope, and hearing and saying mass. Spotswood (who omits his own name in the list of the assessors) may now resume the narrative:— "Some daies before he was brought to the "barre, it was told him, 'That he was not to

arbitouris for the said Laird of Culleane in that same submissioun, on the uther pairt: and exponit and declairit that, thay haveing keept some tryistis and meetingis and tane some panes and travellis for satling of the feade and quarrell standing betuix the saidis pairtyis conforme to the submissioun maid to thame for that effect, thay fand suche difficulteis and impedimentis in that mater, pairtlie upoun occasioun of the minoritie of the said Laird of Bargany, and utherwayes, as hardlie

Sederunts. Fol. 111, a.

"be charged with saying of Masse, nor any "thing that concerned his profession, but "only with the answers made to the questions "proponed; which if he should recall, there "being yet place to repentance, the triall "should be suspended till his Majesty were of "new advertised.' His reply was, 'That he "did so little minde to recall any thing he "had spoken as, when he should be brought to "his answer, he should put a bonnet on it.' "And this indeed he performed; for, when he "was placed on pannell, and the indictment "read, which was grounded all upon the Acts "of Parliament made against those that "declined his Majesties authority or main-"tained any other jurisdiction within the "realm, and upon answer made to the above-"written demands subscribed with his hand, "he brake forth in these speeches: 'Under "protestation that I doe no way acknowledge "this judgment, nor receive you that are "named in that Commission for my judges, I "deny any point laid against me to be treason; "for, if it were treason, it would be such in all "places and all kingdomes; which you know "not to be so. As to your Acts of Parlia-"ment, they were made by a number of "partiall men, and of matters not subject to "their *forum* or judicatory, for which I will "not give a rotten figge. And, where I am "said to be an enemy to the King's authority, "I know not what authority he hath but "what he received from his predecessors, "who acknowledged the Pope of Rome his "jurisdiction. If the King will be to me as "his predecessors were to mine, I will obey "and acknowledge him for my King; but, if he "doe otherwise and play the runnagate from "God, as he and you all doe, I will not "acknowledge him more then this old hat.' "At these words, being interrupted, and com-"manded to speak more reverently of his "Majesty, he said, 'That he should take the "advertisement, and not offend, but the "judgment he would not acknowledge. "And, for the reverence I doe you, to stand "uncovered, I let you know it is *ad redemp-"tionem vexationis*, not *ad agnitionem "judicii*.' The persons cited upon the jury "being then called, and he desired to shew if "he would except against them, said, 'That "he had but one exception against them all; "which was that either they were enemies "to his cause, or friends: if enemies, they "could not sit upon his triall, and, if friends, "they ought to assist him at the bar. "Only he should wish the gentlemen to "consider well what they did, and that he "could not be judged by them. That what-"soever he suffered was by way of injury and "not of judgement; and that he was accused "of treason, but had not committed any "offence, nor could he beg mercy.' And, "proceeding in this strain, 'I am,' said he, 'a "subject as free as the King is a King; I "came by commandement of my Superior "into this kingdome; and, if I were even now "forth of it, I would return; neither do I "repent anything but that I have not been "so busie as I should in that which you "call perverting of subjects. I am accused "for declining the King's authority, and "will do it still in matter of religion, for "with such matters he hath nothing to do: "and this which I say the best of your "ministers do maintain, and if they be "wise will continue of the same mind: some "questions were moved to me which I re-"fused to answer, because the proferers were "not judges in controversies of religion, "and therefore I trust you cannot infer any "thing against me.' 'But I hope,' said the "Archbishop, 'you will not make this a con-"troversie of religion,—Whether the King, "being deposed by the Pope, may be lawfully "killed?' To this he replied, 'It is a question "among the Doctors of the Church; many "hold the affirmative, not improbably; but, "as that point is not yet determined, so, if "it shall be concluded, I will give my life "in defence of it; and to call it unlawfull I "will not, though I should save my life by "saying it.'—His speeches, the more liberty "was given him, growing the more intoler-"able, the jurors were willed to go apart; "who, quickly returning, declared by the "mouth of their Chancellor, Sir George "Elphingston, that they found him guilty of "all the treasonable crimes contained in the "indictment. Whereupon doom was pro-

Sederunts. Fol. 111, a.

could thay bring that mater to ony goode perfectioun for the weele of the saidis pairtyis and for the peace and quiet of the cuntrey; and that it wes thoght more meete and expedyent be some personis who wer indifferent freindis to bothe the saidis pairtyis that the said mater sould rest and ly over for the present, to the effect that freindis might tak some dealing thairin at home for bringing the same to some good poynte and end. The Lordis of Secreit Counsaill, haveing hard the reporte and declaratioun foirsaid maid be the saidis personis in this mater, findis and declairis that thay haif behavit thameselffis wyislie and discreitlie in the mater foirsaid submittit unto thame, and exoneris thame thairof, and declairis the said submissioun to be expyrit be thir presentis."

Cautions required from the said parties at feud.

The said persons are ordered by the Lords to find caution, the one with the other, for keeping of the peace till Lammas 1621, when the Laird of Bargany will have attained his majority, in these sums;—the Earl of Cassillis £10,000 and the Laird of Bargany 10,000 merks; the Laird of Bargany and the Laird of Culleane, either of them with the other, 5000 merks.

"nounced, and the same day in the afternoon "he was hanged in the publick street of "Glasgow."

The following are some additional particulars from the officially printed tract of 1615:— "After judgement was given, by the space of "some three houres, he remained in the "place where he was convicted, having "leasure graunted him to prepare himselfe "for death. He continued a while upone "his knees at prayer, with a colde devotion; "and, when the houre of execution ap- "proached, his handes being tied by the "executioner, his spirits were perceived "much to faile him. In going towardes the "scaffold the throng of people was great, "and he seemed much amazed; and, when "he was up, Master Robert Scot and Master "William Struthers, ministers, very gravely "and christianly exhorted him to a humble "acknowledgement of his offence, and, if "anything troubled his mind, to disburthen "his conscience. In matters of religion, "they said, they would not then enter, but "prayed him to resolve and settle his minde "and seeke mercie and grace from God, "through Jesus Christ, in whome onely salva- "tion is to bee found. Ogilvie answered, "'that he was prepared and resolved.' Once "he said, 'that he died for religion';— "but uttered this so weakly as scarce he "was heard by them that stood upon the "scaffold. Then, addressing himselfe to "execution, he kneeled at the ladder foot, "and prayed,—Master Robert Scot in that "while declaring to the people that his "suffering was not for any matter of religion, "but for haynous treason against his "Majestie, which hee prayed God to forgive "him. Ogilvie, hearing this, saide 'He "doeth me wrong.' One called John Aber- "crumbie, a man of little wit, replied, 'No "matter, John; the moe wrongs the better.' "This man was seen to attend him carefully, "and was ever heard asking of Ogilvie some "token before his death; for which and "other businesse he made with him he was "put off the scaffold.—Ogilvie, ending his "prayer, arose to goe up the ladder; but "strength and courage, to the admiration of "those who had seene him before, did quite "forsake him; he trembled and shaked, "saying he would fall, and could hardly be "helped up on to the top of the ladder. He "kissed the hangman, and said *Maria, Mater "Gratiæ, ora pro me: Omnes Angeli, orate pro "me: omnes Sancti Sanctæque, orate pro me;* "but with so low a voice that they which stood "at the ladder foote had some difficultie to "heare him. The executioner willed him to "commende his soule to God, pronouncing "these wordes unto him, 'Say, John, Lord "have mercy on mee! Lord receive my "soul'; which he did, with such feeblenesse "of voice that scarcely hee could be heard. "Then was hee turned off (his left foot for "a space taking holde of the ladder, as a man "unwilling to die), and hung till hee was "dead. His quartering, according to the "judgment given, was for some respectes "not used, and his body buried in a place "that is kept for malefactors."

Caution for Kennedy of Bargany.

Sir James Steuart of Killeith and Josias Steuart of became cautioners for Kennedy of Barganye, that the said Gilbert, for himself and all his friends in the quarrels described above, shall keep the peace till this day fifteen days, when he shall appear and find new caution to keep the peace till Lammas 1621,—under the pane of 10,000 merks for the peace of the said Earl, and 5000 merks for the peace of the said Laird of Culleane. Sederunts. Fol. 111, b.

Edinburgh, 2nd March 1615.

Sederunt—Chancellor; Glencairne; Cassillis; Abircorne; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medop; Sir Andro Ker; Sir Peter Young; M^r^ G. Young.

Earl of Caithness and Lord Forbes.

"The Lordis of Secreit Counsaill continewis all actionis and causis betuix George, Erll of Caithnes, and Arthour, Lord Forbes, presentlie in proces and depending befoir the saidis Lordis, untill the first Counsaill day of Junij nixttocome. Of the quhilk continewatioun Johnne Sinclair of Ratter, who compeirit in name of the said Erll of Caithnes, and the said Arthour, Lord Forbes, compeirand personalie, ar warnit *apud acta*." Fol. 112, a.

Clanranald.

"Ane act anent the Capitane of Clanrannald his compeirance befoir the Counsell. [See *Book of Isles* under this date.]

Islay rebels.

"Ane act and proclamatioun aganis the rebellis of Yla." [See *Book of Isles* under this date.]

Same.

"Ane missive to the deputie of Yrland anent the rebellis of Yla."

Coin.

"Ane proclamatioun aganis the gylting of ony foreyne copper coyne."

Edinburgh, 7th March 1615.

Sederunt—Chancellor; Glencairne; Cassillis; Abircorne; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medope; Bruntyland; Sir Andro Ker; Sir Peter Young; Mr. G. Young.

Banishment of Henry Milne for gilding silver coin, and Mr. William Scott for passing the same.

"The quhilk day the Lordis of Secreit Counsaill haveing considderit the offence committit be Henry Miln, sone to David Miln, goldsmithe, burges of Edinburgh, and Mr. William Scott, viz., the said Henrie by gylteing and covering with gold certane peeceis of silver, and the said Mr. William by outputting the same amangis his Majesteis subjectis as goode coyne of gold, to the hurte and prejudice of his Majesteis subjectis ressavearis of the saidis peeceis; and whereas this is a cryme of ane very evill preparative and example, and that the oversight and impunitie thairof may encourage utheris to committit the lyke heirefter: thairfoir the saidis Lordis hes decernit and decernis the saidis personis to be baneist his Majesteis realme of Scotland, and nevir to returne agane within the same without his Majesteis licence, under the pane of deade."

Sederunts. Fol. 112, a.

"Ane charge aganis the Laird of Corhouse to compeir befoir the Counsell upoun the nynt of this instant." Laird of Corehouse.

Commissions. Fol. 203, a.

Commission under the Signet, signed by the Chancellor, Glencarne, Cassillis, Binning, and Jo. Prestoun, is given to the Sheriff of Murray and his deputies, and to Patrik Dumbar of Kilboyak, Mr. Samuell Falconner of Kyncorthe, and Hew Falconner of Innerlochtie, to apprehend and present to justice Archibald Ramsay, brother of the late Johne Ramsay in Innerchebit, Johnne Grant, sometime in Innerurie, now in Auchinvaith, James Grant, sometime in Forlettir, now in Delnabo, Finla M^cGrumen in Forlettir, Johne Grant in Campdell, Johne Reoch M^cAgowne in Auchlelquy, Johne and Ferquhar M^cEanreoch, his sons, who were put to the horn on 29th November 1614 at the instance of Johne Glas M^cMillagane, brother of the late Johne M^cMillagane in , and the remaining kin of the deceased, for not finding cautioun to appear before the Justice in answer to the charge of murdering the said John. Commission for the apprehension of Archibald Ramsay and others, charged with murder.

Sederunts. Fol. 112, a.

Sederunt—Glencairne; Cassillis; Abircorne; Lotheane; Binning; President; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyith; Medop; Bruntyland; Sir Andro Ker; Sir Peter Young; Mr G. Young. Edinburgh 9th March 1615.

[No record of proceedings.]

Fol. 112, b.

Sederunt—Chancellor; Glencairne; Cassillis; Binning; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsyithe; Medop; Bruntyland; Sir Peter Young. Edinburgh, 14th March 1615.

The Lords of Privy Council having considered "the offence committit be Henry Miln, goldsmith in Edinburgh, and Mr. William Scott, sone to umquhile James Scott in Leythe, by gilting and covering with gold of some Spanishe ryallis of silver, and outputting the same for goode coyne of gold," as confessed by the said persons before them, order them, according to their resolution of the 7th instant, to be banished the realm. Banishment of Henry Milne and Mr. William Scott

The said day the said persons entered into an obligation to leave the country between that day and 20th April next. Same matter

"The quhilk day the Laird of Barnbarraugh, Kennedie of Garrihorne, and Williame Craufurde of Camlarg wer tane cautionaris for the Erll of Cassillis and for the Laird of Culleane, that thay shall observe his Majesteis peace with the Laird of Bargany." Caution for the Earl of Cassillis and Kennedy of Culzean.

"Ane act in favouris of Mr. Thomas Hendersoun, ordaning the commissionaris of the Plott to modifie unto him 500 merkis for his fee yeirlie, as being advocat for the ministeris." Mr. Thomas Henderson.

Tullochs of Tannochies fined.

"Tullochs of Tannacheis decernit in a fyne of xx ℔. for the oppressioun committit be thame upoun Thomas Urquhart of Burisyairdis." Sederunts.

Caution for James Hair.

Thomas Diksoun, apothecary, burgess of Edinburgh was personally present and became cautioner in the sum of 300 merks for James Hair, seedman, indweller in Edinburgh, that he shall appear before the Lords on 25th April next to answer the complaint of Hew Brown, servitor to Johnne Bruntoun, candlemaker, burgess of Edinburgh. Johnne Hair, father of the said James, who was also present, bound himself and his heirs to relieve the said Thomas Diksoun. Fol. 113, a.

Edinburgh, 15th March 1615.

Sederunt—Chancellor; Glasgow; Binning; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsyithe; Bruntyland; Medop.

Apology by Sir Alexander Seyton for having assumed the title of Earl of Eglinton without warrant from his Majesty; the apology accepted; and the said Sir Alexander created Earl of Eglinton by his Majesty's special grace.

"Forsamekle as, the Kingis Majestie haveing tane just caus of offence aganis Sir Alexander Seytoun, knight, for assumeing unto him self the style and title of Erll of Eglintoun, without his Majest[eis] previlege knowlege or allowance, and without ony warrand frome his Majestie, who is the fontane of all honnouris within his Majesteis dominionis, and by whome all suche honnouris sould be conferrit, the said Sir Alexander, upoun notice and knowlege had be him of his Majesteis offence for this caus, being sorie and grevit that in suche a poynt he had offendit his Majestie, did for his Majesteis satisfactioun freelie and willinglie surrender, dimitt, resigne, and upgif in his Majesteis handis all clame and ryght quhilk he had, hes, or onywayes could pretend in and to the style, honnour and dignitie of Erll of Eglintoun, to the effect his Majestie might use and dispone thairupoun at his pleasour, as in the resignatioun maid and subscryvit be him, and beareing date at Edinburgh the first day of Februair last bipast, at lenthe is contenit. Quhilk resignatioun and dimissioun being send up to the Kingis Majestie, and the same being seene and considderit be his Majestie, and his Majestie accepting in goode pairt the said Sir Alexander his humble acknowlegement of his errour and oversight in the mater foirsaid by the free and willing dimissioun, surrender, and resignatioun maid be him as said is, and haveing goode hoipis of the said Sir Alexander his goode inclinatioun, humble and sincere affectioun and dispositioun, to serve his Majestie and his royall successoris with suche respect, credite and dewitie as his predicessoris of the house of Eglintoun hes formarlie done to his Majestie and his predicessoris,—for the whilk thay wer advanceit bothe to honnour, welth, and credite: thairfoir his Majestie wes gratiouslie pleasit to confer unto the said Sir Alexander the honnour, style, title, and dignitie of Erll of Eglintoun, to be bruikit be him, his airis and successoris in all tyme comeing, and ordanit ane patent to be exped and past to him heirupoun with all solempniteis requisite. Lyke as, the said Sir Alexander being callit upoun, and compeirand personalie befoir the saidis Lordis, and his Majesteis gratious will and pleasour in this Fol. 113, b.

Sederunts. Fol. 113, b.

particulair being at lenth signifeit to him, the said Sir Alexander, with all dew reverence, upoun his knees, and with most humble thankis to his Majestie, acknowlegeit his Majesteis gratious favour showne unto him in this mater, and promeist by his haill endevoiris to approve him self thankfull for his Majesteis so heigh favouris showne unto him, and to bestow his lyffe and what els he hes in this earthe in his Majesteis service."

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie the said Sir Alexander, and gaif in the dimissioun and resignatioun foirsaid, desiring the same to be insert and registrat in the bookis of Secreit Counsaill *ad futuram rei memoriam*." The same matter.

[Sederunt not recorded.]

Acta Mar. 1615–Aug. 1617. Fol. 1[2] b,[1] and Sederunts. Fol. 113, b.

"The quhilk day Thomas, Lord of Binning, [Secretair] to our Soverane Lord, intimat and declairit to Sir Richard Cokburne of Clerkintoun, Lord Previe Seale, Sir Gideone Murray of Elibank, knight, Thesaurair Depute, Maister Johnne Scott, directour of the Chancellarie, Maister Johnne Hay of Easter Kennett, writtair to the Previe Seale, James Winrahame, keepair of the Signett, Maister Williame Chalmer, keepair of the register of the Thesaurarie, Maister Williame Broun, presentair of the signatouris of the Thesaurarie and Comptrollarie, and Maister Johnne Fentoun, keepair of the register of the Comptrollarie, that it wes his Majesteis will and pleasour and expres command and directioun that no signatouris of alienatioun, resignatioun, nor of taillie to be maid heirefter be ony Erll or Lord of Parliament, contening the dispositioun of thair honnouris, titlis, and digniteis, whairin the right successioun is alterit and changeit aganis the tennour of the first originall infeftmentis grantit unto thame be his Majestie or his predicessouris whairby thair honnouris, titles, and digniteis wer conferrit unto thame and to thair successouris contenit in thair patentis and infeftmentis of erectionis, salbe past nor exped the Register nor seallis heirefter, unles the same signatouris be signed be his Majesteis self in taikin of his Majesteis consent and allowance thairunto. And the said Lord Secretair in his Majesteis name desirit the personis foirsaidis everyone of thame in thair awne callingis to haif a cair, and to advert and foirsee, that no suche signatouris be past nor exped be thame, whill first the same be signed be his Majesteis self, as said is; quhilk the personis foirsaidis promeist to do." 16th March 1615, *ante meridiem*.[2] Intimation by the Lord Secretary to various officials that no documents changing the disposition of honours and titles are to be passed or registered unless they bear his Majesty's own signature.

Book of Sederunts. Fol. 114, a.

Sederunt—Chancellor; Glasgow; Mar; Glencairne; Cassillis; Lotheane; Cranstoun; Binning; Master of Elphinstoun; Privy 16th March 1615. *Post meridiem*.

[1] *N.B.* At this point, after having had to depend for nearly four months on substitutes for the torn-out leaves which formed the original commencement of the Volume of the Register of the Acta succeeding that for Oct. 1612–Nov. 1614 (see footnote, *ante*, p. 291), we resume the use of the full and regular Register. The torn-out leaves, it will be observed, do not count in the numbering of the folios in the volume as preserved.

[2] The date is supplied from the *Book of Sederunts*. In the *Acta* this entry is placed among others belonging to the *post-meridiem* Sederunt.

Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsyith; Bruntyland; Medop; Sir Andro Ker; Sir Peter Young; Sir Johnne Arnott. Acta Mar. 1615–Aug. 1617.

. . . . . .

Act for the production of the Crown, Sword, and Sceptre.

. . . ten small triangle chattonis filled with blew amalyne in steade of sto[nes], tua small emptie chattonis haveing no thing in thame bot the blak tent, and twa chattonis with tua quhyte flatt stones with the boddum upmost nixt abone these t[ua] chattonis, nyneteene grite and small rag perll, and, within the roise betuix the [fleur] de luce, threttie fyve perll, some less some mair, with ten quhyte stones in the mid[dil] . . In the foure quartaris of the bonnett of the crowne four perll sett in foure peeceis garnisine of gold enamaled; and in the croce abone the crowne ane amatist and aucht perll. The sceptour being in three peeceis, haveing ane perll in the top and ane cristell glob beneth, the heade whairof hes bene brokin and mendit with wyre. The swerd haveing the plumbett birsit and brokin, with ane void place in everie syde thairof; and the scabart thairof birsit, revin, and brokin, wanting some peeceis oute of it. And thairfoir the saidis Lordis exoneris, freethis, relevis, and dischargeis the said Sir Johnne Arnott and his airis of the saidis crowne, sceptour, swerd, and maise, with the caisis of the same, in the forme as thay wer exhibite befoir the saidis Lordis, and declairis that in the keeping thairof and exhibitioun of the same in maner abone-writtin he hes done his dewitie in everie point. Lyke as the saidis Lordis delyverit the saidis crowne, sceptour, swerd, and maise wand, with the caises thairof, in that same forme as thay wer produceit and exhibite be the said Sir Johnne Arnott, to Sir Jedeone Murray of Elibank, knight, Thesaurair Depute; who, being personalie present, ressavit the same, and promeist to keepe thame and to be answerable thairfoir, and to mak the same furthcomeand to his Majestie and his Counsaill at all occasionis, so lang as he sall haif the charge and truste of the keeping of thame." Fol. 1, a.

Proclamation against the slaughter of lambs.

"Forsamekle as it hes bene the goode pleasour of God to visite this cuntrie thir divers monethis bigane with suche a continewing storme of froist, snaw, rayne, and wind that the most pairt of the bestiall and goodis of the cuntrey ar outher deade or become so feble and waik that thay ar not able ony lang tyme to indure, sua that, yf some cair be not had for the preservatioun of lambis this yeir, and for staying the transporte of nolt and sheip in England, it is verie liklie that scairslie will thair be had ony goodis to plenneis the ground, and the few remanent that salbe left in the cuntrie wilbe haldin at suche extraordinair and heigh prices as is not to be sufferit in a weele governit commonwelth: quhilk inconvenient being foirseene be the Lordis of Secreit Counsell, thay for preventing thairof have thoght meete and expedient, and hes concludit, commandit, and ordanit, that thair salbe ane universall foir-bearance of the slaughter of lambis throughoute this haill kingdome for this present yeir; and lykewayes that the haill bestiall and goodis of

Acta Mar. 1615-Aug. 1617.

the cuntrie, suche as nolt and scheip, salbe haldin within the same, and nowayes transportit to England [nor] els whair. And, whereas the contempt of the law in eating of fleshe in tyme [of Lentrone], and upoun Wednisdayis, Frydayis, and Satterdayis, will gritlie forder [the grite] scairstie and derthe of fleshe, yf the contempt of thir personis who . . . and without modestie preferris the delicat feeding of thair bellyis [to his Majesteis] obedyence and the commounweele be not restranit and punist, [the saidis Lo]rdis hes thairfoir lykewayes resolvit and concludit to punishe all [suche personis] as sall offend in this caise without respect or

Fol. 1, b.

favour. And for this effect ordanis letteris to be direct to [command], charge, and inhibite all and sindrie his Majesteis liegeis and subjectis, be oppin proclamatioun at the mercatt croceis of the heade burrowis of this realme and otheris places needfull, that nane of thame presome nor tak upoun hand to buy for slaughter, nor to slay or eate, ony lambes this present yeir, nor yitt to transporte ony nolt or sheip in England, upoun whatsomevir cullour or pretens, undir the pane of confiscatioun of the haill movable goodis of the personis contravenaris heirof to his Majesteis use, —certifeing thame that failyees or sall do in the contrair heirof that thair saidis movable goodis salbe confiscat, esheit, and inbroght to his Majesteis use. And siclike to command, charge and inhibite all and sindrie his Majesteis saidis liegeis that nane of thame presome or tak upoun hand to eate fleshe during this forbiddin tyme of Lentrone, nor upoun Wednisdayis, Frydayis, and Satterdayis, under the panes contenit in the formair actis and proclamationis maid heiranent, whilkis panes salbe upliftit of the contravenaris without favour; as alsua to command and charge all and sindrie magistratis to burgh and land that thay and everyone of thame, within thair awne boundis, officeis and jurisdictioun, haif a speciall cair and regaird, and caus diligent attendance be gevin, that this present ordinance and proclamatioun be preceislie observit and keept within thair saidis boundis, and that thay suffer, oversie, nor allow no brek nor violatioun of the same, bot that thay cairfullie and diligentlie examine, speir, and trye whair and be whome thair salhappin to be ony suche violatioun, and that thay notifie thair names to his Majesteis Thesaurair Depute, to the effect thay may be callit, persewit, and punist, according to the tennour of this present proclamatioun,—as the saidis magistratis to burgh and [land] will answer to his Majestie and the saidis Lordis upoun the dewtifull discharge of thair offices. And, whereas it is understand to the saidis Lordis that divers . . . and beggarlie people, suche as coikis, oistlaris, and flesheouris, will . . . and brek this proclamatioun, whose esheatis ar so meane and unworthie [that the] same is not a punishment sufficient and dew to thair offence, . . . thairfoir the saidis Lordis hes declairit and ordanit that [all suche] beggarlie people who salhappin to offend in the premisis salbe [punist] in thair personis be warding and otherwayes at the arbit[riment of the saidis Lordis]."

Act in favour of the Bishop of Orkney.

"Forsamekle as the Kingis Majestie with advise of the Lordis [of

Secreit Counsell] haveing upoun divers goode respectis and considera- Acta Mar. 1615–Aug. 1617.
tionis . . . 1612 committit the government of the cuntreyis of Ork[nay to the] reverend fader in God James, Bischop of Orknay, and haveing [gevin to him] ane ample commissioun for administratioun of the officeis of [schireffship] and commissionarie within the saidis boundis be him self and . . . sua haveing maid and constitute him his Majesteis chalmerlane [for the res]saveing, intrometing, and uplifting of all and sindrie the [fermes,] proffeittis, and dewyteis of the landis and leving of Orknay . . . yeiris and termes as wer restane awand for the tyme to the . . . preceding the said moneth of Junij 1612 and for the s . . nixt thairefter following, and siclyke for intrometting . . . insight, plennessing, and movables, pertening to the saidis . . . the same in suir custodie to be furthcomeand to his Ma[jestie]. . . . .

. . . . . .

. . bischoip of Orknay at lenthe is contenit. The said bischop [to show Fol. 1², a.
his] goode affectioun and willing dispositioun to his Majesteis service acceptit the commission . . . charge upoun him and past to the cuntrey of Orknay, whair be his singulair wisdome, foirsight, courage, and dexteritie he . . . prest and redrest mony abuseis, disordouris, and insolencyis whilkis wer . . . and commoun in the saidis cuntreyis; and in the administratioun of the said officeis of justiciarie and schirefship he procedit verie formalie and ordourlie with . . respect and credite and according to the course of law and justice, and thairby gaif verie grite contentment and satisfactioun to his Majesteis goode subjectis who hes actionis to persew and defend in these judgementis; and he verie cairfullie and diligentlie ingadderit, intromettit with, and upliftit the mailles, fermes, rentis, proffeitis, customes, and dewiteis of Orknay and Zetland, and collectit togidder suche and samony of the said last Erllis insight, plennessing, and movablis as possible he could . . , patt the same upoun inventair in the castle of Orknay and in the place of . . , thair to haif remanit in suirtie to his Majesteis use,—whilkis insight, plennessing, and movablis wer keept in the saidis housis quhill the same housis wer laitlie surprisit and tane be Robert Steuart, base sone to the said laite Erll of Orknay, and the rest of his treasounable complices, be whome the saidis insight, plennessing, and movablis wer intromettit with, sparpallit, and disponit upoun at thair pleasour; lyke as the said bischop hes maid a verie just and lauchfull compt, rekning, and payment in his Majesteis Exchekquer of his haill intromissioun with the mailles, fermes, rentis, . . teyndis, customes, and dewyteis of Orknay and Zetland, as his comptis . . and . . , subscrivit be the Lordis Auditouris of his Majesteis Exchecquer, bearis. And, his Majestie, with advise of the Lordis of Secreit Counsell, acknowlegeing the goode and worthie proceding of the said bischop in the charge and truste foirsaid committit unto him, and that in the whole course and progres thairof he had no privat respect nor considerationis of his awne, bot the respect of his Majesteis service

Acta Mar. 1615–Aug. 1617.

and weele of the cuntrey,—thairfoir his Majestie, with advise of the saidis Lordis, findis, decernis, and declairis that the said James, Bischop of Orknay, in the executioun of the twa commissionis abonewrittin of justiciarie, schirefship, and chalmerlanrie grantit unto him, hes caryit and behavit himself with goode respect and credite and hes done goode and . . able service," &c., &c.

Fol. 2, a.

"Forsamekle as, by the executioun to the deathe of Robert Erskine and his tua susteris, the impoisoning of the tua brethrene of Dun is sufficientlie punished [*ante*, p. 239]; and whereas thair remaneth yitt in sure custodie for the same offence Helene Erskine, who, being more penitent thoghe lesse guiltie then the rest, doeth merite the more commiseratioun: his Majestie is thairfoir gratiouslie pleasit to spair hir lyffe, yitt so as sho sall not eschaip the punishment of hir parte of the said offence, bot that sho be benisheit oute of this Kingdome during hir lyvetyme. Thairfoir the Lordis of Secreit Counsell, according to the Kingis Majesteis will, pleasour, and directioun send unto thame in this mater, ordanis and commandis his Majesteis Justice, Justice Clark, and thair deputis, to appoint and sett ane new justice courte to be haldin be thame in the Tolbuithe of Edinburgh at suche tyme as thay sall appoint, and thair to call the said Helene befoir thame, and to pronunce new sentence and dome aganis hir, ordaning hir to be banished this kingdome, and nevir to returne agane within the same during hir lyvetyme, without his Majesteis licence had and obtenit to that effect, and to depairt furthe of this realme within the space of fourtie dayis nixtefter the pronunceing of the said new dome, under the pane of deade; with certificatioun to hir, and sho failyee and depairt not furthe of this realme within the tyme foirsaid prescryvit unto hir, and, being depairtit furthe of this realme, yf sho returne agane within the same without his Majesteis licence had and obtenit to that effect, that the pane of deade salbe execute upoun hir without favour or mercye." Act for banishing Helen Erskine for life.

Fol. 2, b.

"The Kingis Majesteis missive for the warrand of the act abonewrittin:—Richt trustie and weilbelovit cosine and counsellour, and right trustie and weilbelovit counsellouris, we greete you weele:—Whereas by the executioun [*rest of preamble same as in the Act*],—thairfoir it is oure pleasour that you banishe hir oute of that oure kingdome, with certificatioun that, yf sho sall returne thairunto withoute oure speciall licence, the dome pronunceit aganis hir susteris shall with all rigour be putt to executioun upoun hir selff. And, this referring to your performance, we bid you fairweele, At Roistoun, the nynt day of Februarie 1615. To oure right trustie and right weilbelovit, &c."

Sederunts. Fol. 114, a.

"Ane submissioun betuix Lyntoun and Blindley." Linton and Blindley.

"Sir James Steuart and Josias Steuart tane cautionaris for Bargany; and, yf Bargany at ony tyme betuix and Witsonday nixt finde the Lairdis of Lochnoreis, Balbegind, or Girvane Maynes, or ony ane of Caution for Bargany.

thame, cautionaris in place of Josias Steuart, the said Josias salbe thairefter free." Sederunts. Fol. 114, a.

William Duke. "Ane act of Exchekquer betuix the Thesaurair and Williame Dike."

Earl of Cassillis. "The Erll of Cassillis ordanit to find a new cautioun in place of Garrihorne, whome the Lordis fand not to be a responsall cautionair" [*ante*, p. 309].

Sir Dugald Campbell of Auchinbreck, under arrest for debt to John Hamilton, liberated from confinement in the Tolbooth of Edinburgh on medical certificate of his ill-health, and on caution for payment of his debt or return into ward.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Williame Nesbitt and Alexander Clerk, bailleis of Edinburgh, and produceit and exhibite befoir the saidis Lordis Sir Dougall Campbell of Auchinbrek, who wes tane and apprehendit be thame, be verteu of letteris of captioun rased and execute aganis thame at the instance of Johnne Hamiltoun, merchand, burges of Edinburgh, for not payment making to him of the soume of ten thousand merkis money, with the expensis specifeit and obtenit in the saidis letteris. And the saidis baillies declairit that thay wald presentlie committ the said Sir Dougall to warde within thair Tolbuithe for obedyence and satisfactioun of the saidis letteris of captioun. The Lordis of Secreit Counsaill haveing hard the declaratioun maid be the saidis baillies in this mater, and understanding by a testimoniall direct unto thame frome Doctor Arnott, and Johnne Lawtie, apothecar, that the said Sir Dougall is havelie diseasit and visite with seiknes, sua that his committing to warde within the said Tolbuithe now in that tyme of his seiknes may perrell his lyffe, thairfoir the saidis Lordis tooke cautioun of the said Sir Dougall that he sall mak payment to the said Johnne of the soume abonewrittin betuix and the last Counsall day of Aprile nixttocome, or ellis that betuix and the same day he shall lauchfullie enter his persone in warde within the Castell of Edinburgh for satisfactioun of the saidis letteris of captioun. And, in respect of the cautioun foirsaid tane in this mater, the saidis Lordis ordanis and commandis the saidis bailleis of Edinburgh to putt the said Sir Dougall to libertie, and on nawise to putt him in thair said warde, bot to suffer him pas quhair he pleis; wheranent thir presentis salbe unto [thame] a warrand." Fol. 114, b.

Edinburgh, 21st March 1615.

Sederunt—Chancellor; Bishop of Glasgow; Cassillis; Lotheane; Blantyre; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Peter Young.[1] Acta Mar. 1615-Aug. 1617. Fol. 1², b.

Proclamation ordering the celebration of the Communion on Easter day in all time coming.

"Forsamekle as the Kingis Majestie being credibillie informit of [the decay] of religioun and of the grouthe and increscе of poprie within the . . . , and how that nomberis of his Majesteis subjectis pernitiouslie . . religioun and contempnaris of the ordour and discipline of [the Kirk] . . quhen the communioun wes to be ministrat in thair parrocheis withd[rew thaim] selffis to otheris parrocheis, under pretext of doing thair privat busynes, [and] so, abstening frome the communioun, did eschew bothe tryall and punishement, to the offence of God and contempt of the

[1] The *Book of Sederunts* adds Bruntyland.

Acta Mar. 1615–Aug. 1617.

Kingis Majestie his auctoritie: and his Majestie, for removeing of suche frivolous pretextis and excuisis, [and for the] better discoverie and tryall of thir recusantis and non commun[icantis, whiche] his Majestie doeth holde and esteame to be verie dangerous personis aganis religioun and his royall persone and estate, did this last yeir [bi]gane [*ante*, p. 215] command and ordane by publict proclamatioun that the communioun sould be ministrat throughoute the haill kirkis of this kingdome [on] ane day, to the effect that suche personis as sould happin to be absent frome thair awne parroche kirk that day sould . . . . bot upoun ane testimoniall in write undir the hand of the minister of the kirk quhair thay com-

Fol. 2, a.

municat: and whereas the continewance of this . . . . . in the Kirk will not faill to produce . . . . . [cour]sis and practizeis of evill affectit personis, especiallie at this tyme when the . . . and repair of Jesuitis and messe preistis frome pairtis beyond see is become . . . . and commoun in this kingdome, and that thair haill actionis and end[evoris is] to na uther end and purpois bot to corrupt his Majesteis subjectis with the abhominatioun of poprie, and to alienat and withdraw thair hairtis and affectionis frome his Majestie and his obedyence:—Thairfoir his Majestie, with advise of the Lordis of his Secreit Counsell, upoun verie goode advise and deliberatioun hes thoght meete and expedient, concludit, resolvit, statute, and ordanit, that in all tyme heirefter the communioun salbe celebrat throughoute the haill kirkis of this kingdome upoun ane day yeirlie, to witt, Pashe day, reserveing alwayes to the faderis and ministeris of the Kirk the pouer and fredome of appointing of suche otheris dayis for ministratioun of the communioun as thay in thair wisdome fra tyme to tyme shall think meete. And ordanis letteris to be direct to mak publicatioun heirof, be oppin proclamatioun at the mercatt croceis of the heade burrowis of this realme and otheris placeis needfull, whairthrou nane pretend ignorance of the same,—whilk proclamatioun and publicatioun, sua to be maid, his Majestie with advise foirsaid declairis to be als lauchfull ane intimatioun and requisitioun to all his Majesteis subjectis heirefter as yf thay had bene personallie requirit to this effect,—and to command and charge all and sindrie his Majesteis liegeis and subjectis, of what estate, degree or rank soevir thay be, that thay prepair thame selffis to ressave the communioun yeirlie upoun Pashe day, and that thay on nawayes absent thame selffis thairfra upoun whatsomevir cullour or pretens, under the panes contenit in the lawis and actis maid heiranent; and lykewayes to charge all archiebischoppis, bischoppis, and otheris inferiour ministeris, to attend thair severall flokis and congregationis the said day yeirlie, and to prepair and see the elementis and otheris requisite for the said ministratioun prepairit aganis the said day yeirlie, as thay and everyone of thame wilbe answerable to God and his Majestie upoun the dewitie of thair chairge and calling."[1]

[1] Calderwood (vii. 196) notices this order as follows:—"A charge was proclaimed at the Crosse of Edinburgh, with sound of trumpet, fifteene dayes before Easter Day, to celebrate

Linton and Blindlie.

"Decreit arbitrall betuix the Laird of Lintoun and Blindlie." Sederunts. Fol. 114, b.

MacLeod of Harris.

"The quhilk day the Lordis prorogatis and continewis the compeirance of M^cCleude of Hereis befoir the Counsell untill the first day of November nixttocome, conditionallie that he pay the Kingis dewiteis and taxationis in dew tyme."

Edinburgh, 23rd March 1615.

Sederunt—Chancellor; Bishop of Glasgow; Cassillis; Caithnes; Blantyre; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medop; Sir Peter Young. Acta Mar. 1615–Aug. 1617. Fol. 2, b.

James Stewart, called "of Jerusalem," banished for life.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie James Steuart, callit of Jerusalame, and actit and oblist him that he sall depairt and pas furthe of this kingdome betuix and the last day of May nixttocome, and nevir returne agane within the same, without his Majesteis licence had and obtenit to that effect, under the pane of deade."

Caution by the Earl of Caithness for Patrick Halcro.

"The quhilk day in the presence of the Lordis of Secreit Counsaill compeirit personalie George, Erll of Caithnes, and actit and oblist him and his airis as caution[aris and] souirtie for Patrik Halcro, that the said Patrik sall in all tyme com[eing be]have him selff as ane deutifull subject to oure Soverane Lord, and tha[t he] sall compeir personalie befoir the Lordis of Secreit Counsell whensoevir [he] salbe lauchfullie chargeit to that effect, upoun xv dayis wairning, and [answer] to suche thingis as salbe layed to his charge under the pane of v^c [merkis ?]."

Patrick Halcro liberated.

"The quhilk day ane warrand wes past for the libertie and releise of Patrik Halcro furthe of warde, conforme to his Majesteis directioun send . . ."[1]

Commission for the apprehension of Robert Bruce and Alexander Cowe, at the horn for assault and violence.

Commission under the Signet, signed by the Chancellor, Glencarne, Cassillis, Glasgow, and Bynning, to the Sheriffs of Abirdene and Kincardin and their deputies, and to Alexander Gordoun of Cluny, to apprehend and bring to justice Robert Bruce in Colquharie, and Alexander Cowe "at the walkmylne of Corsindae," who were put to the horn on 20th March instant, at the instance of Johne Walker in Edindurnoche and , his spouse, for not finding caution to appear before the Justice in answer to the charge of going on the night of 3rd December last to the said John's house, taking him, an aged man of fourscore years, from his bed, binding him and his wife with cords, and beating them with rungs, and thereafter taking away the whole plenishing of the house. Commissions. Fol. 203, b.

the Communion at Easter in all tymes comming. The King by his owne authoritie, without the advise or consent of the Kirk, injoyneth Kirk orders!"

[1] Patrick Halcro had been one of the chief agents of the Earl of Orkney and his son Robert Stewart in the late Orkney rebellion, but had obtained favour by being instrumental in bringing about the surrender of the Castle of Kirkwall. Particulars about his share in the rebellion, with a deposition of his own at the trial, and a curious letter of the Earl of Caithness respecting him, will be found in *Pitcairn*, iii. 274–307.

Sederunts. Fol. 115, a.

"The quhilk day the Lordis continewis the entrie and compeirance of Donald Gorme of Slaitt befoir thame untill the first day of November nixttocome, provyding that he mak payment of his Majesteis mailles and taxationis in dew tyme; utherwayes this present continewatioun to be voyde, null, and of nane availl, force, nor effect." [See *Book of Isles*, under this date.] Donald Gorme of Slaitt.

Act by Donald M^cEane, Tutor of Ardnamurchan, for his appearance before the Council. [See *Book of Isles*, under this date.] Donald Mac-Ian, Tutor of Ardnamurchan.

Acta Mar. 1615–Aug. 1617. Fol. 3, a.

Sederunt—Chancellor; Cassillis; Caithnes; Binning; Blantyre; President; Master of Elphinstoun; Privy Seal; Treasurer Depute; Clerk of Register; Advocate; Bruntyland. Edinburgh, 30th March 1615.

"The quhilk day the Lordis of Secreit Counsell, according to ane warrand in write signed be the King his most excellent Majestie and send unto thame, ressavit and admittit Patrik, [Bischop] of Ros, to be one of the ordinair nomber of the Previe Counsell of this kingdome, and to injoy all honnouris, digniteis, previlegeis, and immuniteis proper and dew to the said place, and whilkis ony other counsellour be vertu of the said place enjoyeth. Lyke as, the said Patrik, Bischop of Ros, being personalie present, and acknowlegeing with most humble thankis his Majesteis gratious favour showne unto him in preferring and advanceing of him to this heigh estate of honnour and dignitie, he, with all dew reverence, upoun his knees, his hand lyand on the holye evangell, maid and gaif his solemne oathe of alledgeance, and the oathe of a previe counsellour." The Bishop of Ross admitted of the Council, and gives his oath.

Follows—"The Kingis Majesteis missive for the warrand of the act abonewrittin," dated—"At Newmarkatt, the 3rd of Marche 1615."[1]

"Forsamekle as, at the returne of George, Erll of Caithnes, furthe of the boundis of Orknay, quhair his Majestie imployit him with commissioun of lieutennandrie, justiciarie, and schirefship for suppressing of the rebellioun thair, the said Erll left the said Sir Johnne [Sinclair] as depute for him in the said cuntrie, bothe for administratioun of the officeis of schirefship and justiciarie thair and for retening and halding of the cuntrie in obedyence, and he had a directioun gevin unto him to dimoleis and cast doun to the ground the Castell of Kirkwall; in the quhilk charge anent the administratioun of the saidis offices and keeping of the cuntrey under obedyence the said Sir Johnne did his best Approbation of the services of Sir John Sinclair in Orkney since he was left in charge there by the Earl of Caithness, with exoneration to him for the same, and order for the payment of his expenses.

[1] The Bishop of Ross of this entry is Patrick Lindsay, who had recently been parish minister of St Vigeans in Angus. He had been consecrated to the Bishopric on the 1st December 1613, in succession to his father, David Lindsay, who had died on 14th August in that year, at a very advanced age, after having been Bishop of Ross since 1600, and minister of Leith almost from the Reformation. Of the assiduity of this David Lindsay, the previous Bishop of Ross, in his office of Privy Councillor, the Sederunts of the Council from 1600 to 1612, as recorded in previous volumes of this Register, afford ample proof. His last appearance at a Council meeting had been on the 25th of September 1612.

endevoiris to approve him self worthie of that charge, and omittit no thing whilk to his charge and dewitie in that point apperteynit; bot anent the dimolisheing of the house he fand samony difficulteis thairin, especiallie anent the chargeis and expensis quhilkis the accomplisheing of that service wald require, that he could not meddle thairin, bot reservit the same to be done be suche otheris as his Majestie and his Counsell sould appoint, and, for the sure keeping of the house to his Majesteis use, he placeit thairin foure souldiouris, who hes had the charge of the keeping of the same sen the first of November last: and seing it hes now pleasit his Majestie to committ the charge and governance of that cuntrey to Sir James Steuart of Killeith, knight, sua that now the said Sir Johnne hes no forder charge thair: Thairfoir the Lordis of Secreit Counsaill findis and declairis that the said Sir Johnne, in the acceptatioun of the said office of schiref depute upoun him, and in the administratioun and using thairof, and in the governament of the said cuntrie be him selff and suche otheris as had charge and warrand frome him, and in the keeping of the Castell of Kirkwall and reserveing the dimolisheing thairof to his Majesteis forder directioun, and in all and everie thing done be him and those who had charge under him in the said cuntrey, hes done goode and acceptable service to his Majestie for the weele of the cuntrey, and that he hes conformit him self to the commissioun and warrandis gevin to him for that effect; and thairfoir ratifees, allowis, and approvis all his procedingis in the said service in everie point, claus, article, and circomestance thairof, and exoneris him thairof, and of all pane, cryme, skaithe, and dangeir that he may incur or that in ony caise may be imputt to him thairthrou for evir. And, whereas his remaning in that cuntrie, first be him selff and thaireftir be his deputis, hes bene verie chargeable and expensive unto him, and that the chargeis and expensis of these who keept the house and Castell of Kirkwall yitt lyis upoun him, and he is debtour to thame for the same; and it being no reason that he, who is a young gentleman, sould spend his awne estate in his Majesteis service: Thairfoir the saidis Lordis hes modifeit, and be the tennour heirof modifees, unto the said Sir Johnne the soume of ane hundreth merkis, to be payit to him be his Majesteis Thesaurair Depute and Ressavearis of his Majesteis Rentis monethlie, and ilk moneth, fra the first day of November last past untill the date of this present act, and that for the chargeis and expensis of him self and his deputis during thair aboade in the said cuntrey. And, tuitcheing the chargeis and expensis of the foure souldiouris who ar placeit be the said Sir Johnne in the said Castell of Kirkwall for keeping thairof, the saidis Lordis hes alreddie gevin ordour and directioun thairanent to the said James Steuart of Killeith, knight, who will satisfie the same accordinglie."

Acta Mar. 1615–Aug. 1617.

Fol. 3, b.

Captain of Clanranald.

"The Lordis of Secreit Counsaill prorogatis and continewis the dyet appointit for the compeirance of Donald M^{c}Eane V^{c}Eane of Ylantyrum, Capitane of the Clanrannald, befoir the saidis Lordis in the moneth of Julij

Sederunts. Fol. 115, b.

Sederunts. now approtcheing untill the first day of November nixttocome, and grantis and gevis unto him libertie and licence to go home at his pleasour, provyding that he mak tymous and thankfull payment of his Majesteis mailleis, dewyteis, and taxationis: utherwayes this prorogatioun and licence to be null and of nane availl."

Minute Book. The *Minute Book of Processes* gives the following memoranda collectively for the month of March 1615:—

Ryott: Gilsepie against the Earle Tullibardin.

Act ordaning letteris discharging intercommoning with Coill M^{c}Donald Gilliechallum and utheris traitoris in Illa.

Act to warne Caldwell and Rae to appear.

Act to prohibit goldsmithes of gilding any forrain peices of silver.

Suspension: Donald M^{c}Key against the Advocatt.

Precognition against Ker of Lintoun and Pringle of Blindly.

Oppression: Sir James Cleland against James Murray.

Resignatione be Sir Alexander Montgomrie of the title of Earle of Eglintoune in his Majesteis handis.

Proces of releiff: Lauchlan Grant against Johne Mitchell.

Rebellion: Johne Murray against James Craw.

Ryott: David Wilsone against Georg Jonstoun.

Rebellion: M^{r} William Broun against M^{r} Michaell Fraser.

Act intimating to the Lord Privie Seall, &c., that no infeftment containing titles of honor be exped without the signatour be under his Majesteis owne hand.

Act ordaining the Justice to impannell Helen Erskein who wes condemned to death for murther, and to ordain her to be banished.

Letteris: James Keith against Georg Cumin for harboring and defending of Issobell Cumin, rebell.

Act approveing the Bishop of Orkneyes executione of shirefship justitiary, &c., granted to him.

Act discharging the slaying of lambes and exportatione of bestiall.

Act upon Sir Johne Arnott, Provest of Edinburgh, his delyverie of the honouris to the Thesaurair Deputt.

Act ordaining the communion to be receaved yeirly upon Pasch.

Rebellion: Sir Georg Erskein against Earl of Glencarn.

Warrand to cite Donald M^{c}Ean to find caution to keip the peace.

Imprisonment and oppression: Johne Richie against the Laird of Kilbirnie.

Oppression: Mathew Baylie against M^{r} James Baylie.

Ryott: Davie Chrystie against Richard Campbell.

Rebellion: Vicount of Haddingtoun against Alexander Livingstoun.

Act of acceptatione of the Bishop of Rosse to be a Privie Counsellour.

Petitione: Sir Johne Sinclar craving approbatione of his service in Orkney and a modificatione thairfor.

Rebellion: William Clerksone against William Meldrum. Minute Book.
Protestatione: Magnus Smith against William Sellar.
Ryott: Johne and Georg Hoppringles against Alexander Stewart.
Rebellione: James Dalyeell against McClellan.
Letteris craving to be putt to libertie: Sir Lauchlan McIntosh against the Earle of Murray.

17th April 1615. Commission for the trial of of six persons in ward for theft and reset of theft, and for the apprehension of certain others who have been informed against by one of the six.

The Lords understand that the Justices of Peace for Fyiff have lately apprehended Alexander Davidsoun, Johnne Ker, William Ogilbie, and Johne Hay, four strong and idle vagabonds and common thieves, and also George Dishingtoun, tailor at Inchdatie mill, and Wilson, called "Captain" Wilsoun, dwelling above Dysart, two common and wilfull ressetters of thieves, and that they have committed the six to the tolbooth of Dysart. In their examination before the said Justices, these persons confessed to divers acts of theft and housebreaking by night; and the said George Dishingtoun and "Captain" Wilsoun not only confessed to the resset of thieves and stollen goods, but they "dilaitit" the following persons, who are to their knowledge common thieves and strong and idle vagabonds, viz.:—Johnne Angus, "a litle blak man with a blak baird"; Allane Man, "a young blak visageit man, professing medicine"; Andersoun, "a quheite faceit young chyld"; William Phillane *alias* Baa, "a young blak visageit man"; Johne Brown, "a young boy who sellis hornis and spoones"; Johne Lindesay, "a tinklair"; and Gilbert Drew, creelman. Commission is therefore given to Sir Johne Boiswall of Balmwto, knight, Sir James Weymes of Bogie, David Beatoun of Balfour, Henrie Pitcarne of Forthie, James Clerk of Balbirnie, and Johnne Boiswall of Pittedie, or any three of them, to try the said prisoners; and also to apprehend the persons named in the confession, to commit them to ward, examine them, and forward their depositions to the Council. The Magistrates of Dysart and all others are to assist the commissioners in their work.—Given under the Signet, and signed by Caithnes, Binning, and Sir Robert Melville, younger. Commissions. Fol. 204, b. Fol. 205, a.

Edinburgh, 18th April 1615. Act empowering and instructing Walter Ritchie, one of the officers of the Treasury, to see to the demolition of the castle of Kirkwall.

[Sederunt not recorded.] Acta Mar. 1615–Aug. 1617. Fol. 3, b.

"Forsamekle as, the Kingis Majestie, with advise of the Lordis of his Previe Counsaill, haveing, upoun mony goode respectis and considerationis, thoght [meete] and expedient that the castell of Kirkwall,—whilk hes bene sa ofte [tane, keepit, and retenit] aganis his Majestie, and servis for no other purpois nor use [bot to be ane] startinghoill and place of retreate for tratouris and rebellis,—sould be d[imoleist] and cassin doun to the ground, and ane act of Counsaill being past and [exped to] that effect [*ante*, p. 276], and the executioun and performance of that service being committit to George, Erll of Caithnes, his Majesteis lieutennent in Orknay for the tyme, the same service, upoun occasioun of the said Erll his returne frome Orknay, hes ressavit ane delay and

Acta Mar. 1615–Aug. 1617.

continewatioun sensyne; and whereas that [his] Majestie yitt continewis in his formair resolutioun anent the dimolissing of the said castell, conforme to the said act and ordinance of Counsaill alreddie [maid] to that effect; and seeing Walter Ritchie, ane of the ordinair officiaris of the Thesaurarie, is now directit to Orknay for selling and making penny of his Majesteis goodis being in that cuntrey: the Lordis of Secreit Counsaill hes thairfoir thoght meete to committ the charge of the dimolissing of the said castell unto him, commanding him expreslie be

Fol. 4, a.

thir presentis, [quhen] he salhappin to arryve in Orknay, that he [convene] workmen and pionaris for dimolisheing of the said castell, and that he sett thame to worke and caus the said castell be dimoleist and cassin doun in suche soirt [that it] serve not heirefter for [a] place of ressett or retreate for tratouris and rebellis. And, tuitcheing the charge and expensis whilk the performance of this worke will necessarlie require, the saidis Lordis ordanis the said Walter Ritchie to deburse, advance, and furneis [these] of the first and reddiest of his Majesteis moneyis to be ressavit be him for his Majesteis goodis whilkis he is ordanit to sell in Orknay; willing and commanding him also to require and crave the concurrence, counsaill, advise and furtherance of the Bischop of Orknay, and of the schiref depute thair, in everie thing whilk may further and advance the performance of this service concredite unto him: for doing of the quhilk service the extract of this present act salbe unto him a warrand."

Sederunt—Chancellor; Caithnes; Lotheane; Binning; President; Privy Seal; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medop.

Edinburgh, 26th April 1615.

Renewed proclamation against the slaughter of lambs and against the transport of sheep into England for the next year; with repeal of the former prohibition of the transport of "nolt."

"Forsamekle as, althoght upoun verie goode advise and deliberatioun thair wes ane act and proclamatioun formarlie maid prohibiting and dischargeing the slaughter of lambis and the transporte of sheip in England for this present yeir, becaus the laite unseasounable and tempestuous tyme of yeir had maid suche a distructioun and spoile of the scheip as by appeirance thair wes not sa mony left alyve as wald serve the cuntrie and plenneis the ground [*ante*, p. 312], nevirtheles the Lordis of Secreit Counsaill ar informit that the slaughter of lambis is yitt verie frequent and commoun throughout all the pairtis of the cuntrie, and, however thay be not presentit to be sauld in oppin mercatt, yitt thay ar hid in sellaris and buithis, and thair als ordinarlie sauld as if no suche prohibitioun and discharge had bene maid, heighlie to the contempt and misregaird of our Soverane Lord and to the grite hurte of the commounweele; and whereas the hoip of gayne and presumptioun of impunitie movis undeutifull subjectis to offend in this caise, and to prefer thair awne privat contentment and thair inordinat appetyte and the delicat feeding of thair bellyis to the reverence and obedyence of the law: the saidis Lordis, for removeing frome thame of all suche foolishe presump-

tionis, hes heirby thoght meete to certifie all and sindrie personis who salbe tryit to contravene the said formair proclamatioun, outher by slaying of lambis or by transporting of scheip in England this present yeir, that the panes contenit in the same proclamatioun salbe execute upoun thame without favour. And, to the effect nane pretend ignorance heirof, ordanis letteris to be direct to command, charge, and inhibite, yitt as of befoir, all and sindrie his Majesteis liegeis and subjectis, be oppin proclamatioun at the mercatt croceis of the head burrowis of the realme and otheris placeis needfull, that nane of thame presome nor tak upoun hand to buy for slaughter nor to slay or eate ony lambis nor yitt to transporte ony scheip to England this present yeir, under whatsomever cullour or pretense, under the pane of confiscatioun of the haill movable goodis of the personis contravenaris to his Majesteis use, and warding and punisheing of suche personis whose esheatis ar so meane and unworthie as the same is not a punishement answerable to thair offence and contempt: commanding heirby all magistratis to burgh and land, everyone of thame within thair awne boundis and jurisdictionis, to caus attendance be gevin that this present act and proclamatioun be preceislie keept in thair boundis, and that thay suffer, oversee, nor allow no brek nor violatioun of the same, bot that thay examine, speir, and try whair and be whome thair salhappin to be ony suche violatioun, and that thay notifie thair names to his Majesteis Thesaurair Depute, to the effect thay may be callit, persewit, and punist according to the tennour of this proclamatioun. And, whereas by the said formair proclamatioun the transporting of nolt wes lykewayes dischargeit, the saidis Lordis upoun some speciall considerationis hes now thoght meete to dispens with the said formair proclamatioun in that point thairof tuitcheing the transporting of nolt, and declairis be thir presentis that the transporting of nolt shall nawayes be comprehendit under the said proclamatioun."

Acta Mar. 1615-Aug. 1617.

Fol. 4, b.

New proclamation against the resort of base and beggarly Scots to England.

"Forsamekle as, the Kingis Majestie haveing tane most just caus of offence for the frequent and da[y]lie resorte frome hense toward England of so grite nomberis of idle, bas, and beggarlie people, without ony certane trade, calling, or dependance, be whome not onlie is his Majestie daylie importuned, and his royall courte disgraceit by thair roode, uncivile, and beggarlie cariage, behaviour, and apparrell, bot with that thay go a begging athorte the cuntrie, and doeth thairby procure mony havie imputationis, with grite discredite, reprotche, and scandall, aganis this natioun,—the consideratioun whereof hes movit his Majestie, oute of his princelie regaird whilk most constantlie he bearis to the honnour, credite, and reputatioun of this [heich and] antient kingdome, to gif warrand and commissioun for the apprehending, punisheing or homesending of all suche personis of the rank and qualitie foirsaid as [salbe] fundin or apprehendit in ony pairt of the kingdome of England, and his Majestie hes lykewayes recommendit unto the Lordis of his Previe Counsell that ordour [be] tane heir for hindering

Acta Mar. 1615-Aug. 1617.

and staying of all forder resoirt and repair of thir idle people towardis England, and for punisheing of these who sall offend in this po[int]: Thairfoir the saidis Lordis ordanis lettiris to be direct to command, charge and [inhi]bite all and sindrie personis, except gentlemen of goode qualitie and merchantis for trafficque, be oppin proclamatioun at the mercatt croceis of the head burrowis of this realme and otheris places neidfull, that nane of thame presome [nor] tak upoun hand at ony tyme heirefter to resoirt and repair to England be [sea or] land without licence frome the saidis Lordis had and obtenit to that effect; certifeing tham that sall failyee or do in the contrair that, yf at ony t[yme heir]efter thay be apprehendit in the cuntrie, or yf thay salhappin to be send ba[k from] England, that thay salbe committit to strait warde, fed upoun breade and w[ater], and otherwayes punist in thair personis as the saidis Lordis sall think goode. [And] siclyke to command, charge, and inhibite all and sindrie skipparis, [awneris], and marinaris of shippis and veshellis, that nane of thame presome to ress[ave in] thair shippis to be transportit to England ony of the saidis bas, idle, and [beggarlie] people, without licence frome the saidis Fol. 5, a. Lordis had and obtenit to that [effect], as thay and ilkane of thame will ansuer upoun the contrair at thair heighest perrell, and undir the pane to be punist thairfoir in thair personis and goodis at the arbitriment of his Majesteis Counsell."

Proclamation against the buying-up and exportation of eggs.

"Forsamekle as, amangis the mony abusis whilkis the iniquitie of tyme and the privat respect of filthie lucre and gayne hes produceit in this commonwelthe, thair is of laite discoverit a most unlauchfull and pernitious trade of transporting of eggis furthe of this kingdome be certaine avaritious and godles personis, voyde of modestie and discretioun, who preferring thair awne privat commoditie to the commounweele, and to these commoun dewiteis of civile conversatioun whilk thay aucht to keepe in the pairtis whair thay duell and hes thair residence, thay, be thame selffis, thair servandis and agentis, hes gone and gois athorte the cuntrey, and byis the haill eggis that thay can gett, barrellis the same, and transportis thame at thair pleasour,—quhairthrou not onlie hes thair bene a grite scairstie of eggis this quhyle bigane, bot the samin ar rissin to suche extraordinair and heich pryces as ar not to be sufferit in a weele governit commounweele; and, yf this unlauchfull trade be sufferit to be of ony longair continewance, it will fall oute that in verie schorte tyme thair will no eggis nor poultrie be fundin within the cuntrey: Thairfoir the Lordis of Secreit Counsaill ordanis letteris to be direct to command, charge, and inhibite all and sindrie his Majesteis liegeis and subjectis, alsweele maircheantis and trafficquaris as skipparis, awnaris, and marinaris of shippis and veshellis, be oppin proclamatioun at all placeis neidfull, that nane of thame presome nor tak upoun hand, at ony tyme after the publicatioun heirof, to carye and transporte ony eggis furthe of this kingdome, under quhatsomevir cullour or pretens, under the pane of ane hundreth

pundis to be incurrit be the persone or personis contravenaris heirof, alsweele marcheantis and trafficquaris as skipparis and marinaris, besydis forder punishement of thame in thair personis at the sight and discretioun of the saidis Lordis: certifeing thame that sall failyee and do in the contrair heirof that the said pane and punishment salbe inflictit upoun thame without favour." Acta Mar. 1615-Aug. 1617.

Charge to Rollock of Duncrub and Drummond of Pitcairn to find caution for keeping the peace.

"Forsamekle as it is undirstand to the Lordis of Secreit Counsaill that thair is some variance and contraversie laitlie fallin oute betuix Rollok of Duncrub, on the ane pairt, and Thomas Drummond of Pitcairne, on the other pairt, whereupon forder inconvenientis ar lyke to follow, to the brek of his Majesteis peace and disquieting of the cuntrey, without remeid be providit:—Thairfoir ordanis lettiris to be direct chargeing the saidis pairtyis to compeir personalie befoir the saidis Lordis upoun the xvij day of May nixttocome, to underly suche ordour as salbe tane with thame for the peace and quiet of the cuntrey, under the pane of rebellioun, &c., with certificatioun, &c. And siclike to command and charge thame to find cautioun and souirtie actit in the bookis of Secreit Counsaill that thay sall observe our Soverane Lordis peace, keepe goode reule and quietnes in the cuntrey, and that thay nor nane of thame, nor nane of thair causing, sending, hounding out, command, ressett, assistance, and ratihabitioun, sall on nowayes invade nor persew the one another for quhatsomevir deid, caus, or occasioun, otherwayes nor be ordour of law and justice, under the panes following—viz., the laird of Duncrub under the pane of twa thousand pundis, and the said Thomas Drummond under the pane of ane thousand merkis; and that thay find the said souirtie actit in maner foirsaid within sax dayis nixt efter this charge, under the pane of rebellioun, &c., and yf thay failyee to denunce, &c." Fol. 5, b.

Charge to Mr. John Cockburn, apparent of Ormiston, and others, on the one part, and to Hepburn of Aulderstoun and others, on the other part, to appear and find caution for keeping the peace.

"Forsamekle as it is undirstand to the Lordis of Secreit Counsaill that thair is some variance and contraversie laitlie fallin oute betuix M^r^ Johnne Cokburne, appeirand of Ormestoun, Hereott, youngair, of Trabroun, Maister James Cokburne, bruther to the said Maister Johnne, and Williame Cokburne, bruther to Francis Cokburne of Tempill, on the ane pairt, and Sir Robert Hepburne of Aulderstoun, Johnne Hepburne, callit of Kirklandhill, his servitour, George and Andro Hepburne, callit of Elstanefoorde, on the other pairt, whereupon forder inconvenientis ar lyk to follow, to the brek of his Majesteis peace and disquieting of the cuntrey, without remeid be providit:—Thairfoir ordanis letteris to be direct chargeing the saidis pairtyis to compeir personalie befoir the saidis Lordis upoun the 17 day of May nixttocome to answer to the premisis, and to underly suche ordour as salbe prescrivit unto thame for the peace of the cuntrie, undir the pane of rebellioun, &c., with certificatioun, &c., and to command and charge bothe the saidis pairtyis to find cautioun and souirtie actit in the bookis of Secreit Counsell that thay sall observe his Majesteis peace, keepe goode reule and quietnes in the cuntrey, and that thay nor nane of thame, nor nane

Acta Mar. 1615-Aug. 1617.

of thair causing, sending, hounding oute, command, ressett, assistance, and ratihabitioun whome thay may stop or latt, sall on nowayes invade nor persew ane another for whatsomevir deid, caus, or occasioun otherwayes nor be ordour of law and justice, undir the panes following, viz.:— the said Maister Johnne under the pane of ane thowsand pundis; the said laird of Trabroun and Sir Robert Hepburne, ather of thame, under the pane of ane thowsand merkis; and ilkane of the otheris personis abonewrittin under the pane of fyve hundreth merkis. And that thay find the said [cauti]oun in maner foirsaid within sax dayis nixtefter the charge, under the pane of rebellion, &c., and yf thay failyee, &c., and to denunce, &c. [And, to the] effect the said Hereott of Trabroun pretend no excuse of his [not appeir]ance be ressoun of some hoirningis whilkis he undirlyis, the said Lordis declairis that he sall nawayes be taken, apprehendit, nor wardit u[poun] occasioun of the saidis hoirningis in his comeing to this burgh, rem[aneing] thairin, and attending upoun this actioun, and in his depairting thairfra."

Commissions. Fol. 206, b.

Dispensation addressed to the Sheriff of Invernes and his deputies in favour of Coline, Lord of Kintaill, that, despite the said Coline's minority, he be served heir to his father the late Kenneth, Lord of Kintaile. Given under the Signet, and signed by the Chancellor, Binning, Jo: Prestoun, Alexander Hay, A. Drumond, and Sir G. Murray.

Dispensation for serving Colin, Lord of Kintail, heir to his father, though a minor. Islay.

Sederunts. Fol. 115, b.

"Commissioun aganis the rebellis of Yla." [See *Book of Isles*, under this date.]

"Chargeis aganis M^r^ Williame Watsoun."

Mr. William Watson.

"Prorogatioun of the terme grantit to James of Jerusalame for going oute of the cuntrey till the last day of Junij nixt."

James of Jerusalem.

Sederunts. Fol. 115, b.

Sederunt—Chancellor; Caithnes; President; Bruntyland; Advocate. 28th April 1615.

[No record of proceedings.]

Commissions. Fol. 205, b.

Commission under the Signet, signed by the Chancellor, Bynning, Sir G. Murray, and Sir W. Oliphant, to the Steward of Kirkcudbricht and his deputies, to apprehend and try divers persons in Galloway, suspected of witchcraft, sorcery, enchantment, and other devilish practices,—provided that in the execution of this commission they take the advice of William, Bishop of Galloway, and do nothing without his special consent.

3rd May 1615.[1] Commission for the apprehension of witches in Galloway.

Acta Mar. 1615-Aug. 1617. Fol. 5, b.

Sederunt—Chancellor; Caithnes; Lotheane; Bishop of Caithness; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Bruntyland; Medop; Sir Andro Ker.

Edinburgh, 17th May 1615.

[1] In the interval between this entry and the last there had occurred the important event which Calderwood notes thus (vii. 197):—"Mr George Glaidstanes, Bishope of St. Androes, departed this life in the Castle of St. Androes on the 2nd of May."

Contract by Thomas Foullis for the delivery of 2000 stone of lead to be used for the repairs at Edinburgh Castle.

Acta Mar. 1615–Aug. 1617. Fol. 6, a.

"The quhilk day it wes aggreit betuix Sir Gedeone Murray of [Elibank], knight, Thesaurair Depute, with advise and consent of the Lordis of [his Majesteis] Prevey Counsaill and Lordis Commissionaris of his [Heynes Rentis], on the ane pairt, and Thomas Foullis, goldsmith, burgess of Edinburgh, on the other pairt, that the said Thomas sall furneis and delyver within the Castell of Edinburgh tua thousand stane trois weght of goode and sufficient leade for his Majesteis workis and bigging within the said castell, betuix the day and daite heirof and the feast of Michaelmes nixttocome; and that he sall compleit and delyver within the said castell the said haill quantitie of goode and sufficient leade betuix and the said feast; and sall gif contentment anent the sufficiencie of the said leade to the plumber who shall haif the charge to trye the sufficiencie thairof. And, yf ony pairt thairof salbe unsufficient, the said Thomas sall tak the same bak, and accordinglie shall delyver alsmekle goode leade within the said castell. For the quhilk quantitie of leade sua to be delyverit be the said Thomas within the said castell the said Thesaurair Depute sall pay to the said Thomas xxiiij ß. money of this realme for everie stane weght of the said leade; and, in respect of the necessitie of the said Thomas his present adois, the said Thesaurair Depute shall advance and pay to him the ane half of the said soume within ten dayis after the feast of Witsonday nixttocome, and sall advance and pay to him the other half of the said sowme howsoone the first half of the said leade salbe delyverit within the said Castell."

Commission to the Earl of Caithness for the apprehension of Mr. John Innes, some time minister, but excommunicated for various offences, who has broken his band to go into exile, and has returned to Caithness.

"Forsamekle as, Maister Johnne Innes, sometyme minister, being laughfullie and ordourly excommunicat for divers crymes and sclanderis committit be him within the boundis of Caithnes, and being alsua denunceit rebell and putt to the horne for not finding of lawsouirtie to the brethrene of the exercise of Thurso in Caithnes, and upoun the said excommunicatioun and horning he being apprehendit and maid prisonner in the Tolbuithe of Edinburgh, whair he remanit a lang tyme, he wes in

Spotswood, who was to succeed to the vacant Archbishopric, gives this character of his predecessor (p. 523):—"A man of good learning, ready utterance, and great invention; but of an easie nature, and induced by those he trusted to do many things hurtfull to the see, especially in leasing the titles of his benefice for many years to come, esteeming (which is the error of many Churchmen) that by this means he should purchase the love and friendship of men; whereas there is no sure friendship but that which is joyned with respect; and to the preserving of this nothing conduceth more than a wise and prudent administration of the Church rents wherewith they are intrusted. He left behinde him in writing a declaration of his judgement touching matters then controverted in the Church, professing that he had accepted the Episcopall function upon good warrant, and that his conscience did never accuse him for anything done that way. This he did to obviate the rumours which he foresaw would be dispersed after his death either of his recantation or of some trouble of spirit that he was cast into (for these are the usuall practises of the Puritane Sect); whereas he ended his days most piously and to the great comfort of all the beholders." Calderwood, of course, represents differently. "Unwilling was he to die," Calderwood writes, "or to suffer anie honest man of the ministrie come neere him, either to walken his conscience or confort him. At the desire of his wife and children, he subscrived some few lynes, wherin he approved the present course, to procure the King's favour to them." The death of Archbishop Gledstanes was necessarily to lead to changes in the distribution of the Bishoprics.

Acta Mar. 1615-Aug. 1617.

end relevit upoun his awne band maid and subscryvit be him that he sould haif depairtit furthe of this kingdome within a certane space now of langtyme bigane, and nawayes haif returnit agane within the same without licence, under certane panes mentionat and contenit in the said band; nochtwithstanding wherof he hes not depairtit furthe of this kingdome, bot hes gone bak agane to Caithnes, whair he behavis and caryis him selff verie sclanderouslie aganis the Kirk, and gevis grite occasioun of offence to the ministeris of these boundis: Thairfoir the Lordis of Secreit Counsaill ordanis and commandis George, Erll of Caithnes, judge and magistrat of that cuntrey, to caus searche, seik, and tak the said Maister Johnne, whairevir he may be apprehendit within the boundis of his office and jurisdictioun, and to bring, present, and enter him of new within the Tolbuithe of Edinburgh, to the effect forder ordour may be tane for his punishment as accordis. For doing whairof the extract of thir presentis salbe unto the said Erll a warrand."

Commissions. Fol. 206, a.

Commission for the trial of Walter Bryce and Jonet Murriach, confessed witches.

Commission under the Signet, signed by the Chancellor, Earl of Caithnes, Lotheane, Bishop of Caithnes, Jo. Prestoun, R. Cokburne, and Alexander Hay, to George, Bishop of Dunblane, Sir Archibald Stirling of Keir, knight, James Halden of Glennegeis, Sir George Muschet of Burnebank, James Kinros of Kippenros, and Harie Drummond of Balloche, or any three of them,—the said Bishop or the Laird of Keir being one,—to try Watty Bryis in , and Jonnet Murriache, now in the tolbooth of Dunblane, where, on examination by the said bishop and some of the ministry, they confessed to divers charges of witchcraft, sorcery, and charming.

Sederunts. Fol. 116, a.

Burntisland men.

"The quhilk day the men of Bruntyland who wer in warde within the Tolbuithe of Edinburgh were relevit of thair warde, upoun cautioun for thair personall compeirance when thay salbe callit, ilkane of thame under the pane of iij^{c} merkis."

Mr. William Watson.

"The quhilk day M^{r} Williame Watsoun wes fred of his wairde upoun that same conditioun, and that he sall not use his functioun of the ministerie nor haunt the presbiterie nor sessioun of the kirk."

Mr. Andrew Wilson.

"The quhilk day M^{r} Andro Wilsoun, Clerk of Bruntyland, wes relevit of his warde upoun cautioun for his personall compeirance, and that he sall not use his office of Clerkship."

Obligation by Heriot of Trabroun and others to keep the peace.

"The quhilk day Hereot, younger, of Trabroun, Sir Robert Hepburne, Mr. James Cokburn, sone to Sir Johnne Cokburne of Ormestoun, Mr. Williame Cokburne, bruther to Frances Cokburne of Temple, and Johne Hepburne, callit of Kirklandhill, gaif thair grite and solemne oathe that thay sall inviolablie keepe the cautioun fundin be thame heiranent for keeping of his Majesteis peace."

Sederunts. Fol. 116, a.

Post meridiem Apud Halierudhous.

Sederunt—Chancellor; Binning; President; Treasurer Depute; Clerk of Register; Advocate; Medop.

[In the *Book of Sederunts* the entry anent Thomas Foullis (*ante*, p. 328) is placed among the business of the *post meridiem* meeting].

Monopoly of whale-fishing.

"The quhilk day a signatour, signed be his Majestie, in favouris of Sir George Hay of Nethir Liffe and M^r Thomas Murray, anent the sole and onlie previlege of quhaile fisheing for the space of nynetene yeiris wes presentit, red, and exped in Counsaill." Sederunts. Fol. 116, b.

Edinburgh, 24th May 1615.[1]

Sederunt—Caithnes; Lotheane; Binning; President; Treasurer Depute; Advocate.

Sir James Macdonald.

"Proclamatioun aganis Sir James M^cDonald." [See *Book of Isles* under this date.]

Same, with others.

"Commissioun aganis Sir James M^cDonald, M^cRannald, eldair and younger, and the Capitane of Clanrannald his sone." [See *Book of Isles* under this date.]

Same matter.

"Missives to the Marques of Huntley and Erll of Tullibairdin to accept the commissionis upoun thame."

Same.

"Missives to Glenurquhy of Lawers, and Coline Campbell of Abirurquhill, to persew the said Sir James."

Same.

"Missive to the Laird of Lundy to direct some personis to Kintyre for keeping of that cuntrey; and him self to come heir the saxt of Junij."

Campbell of Drums.

"Chairgeis aganis Duncane Campbell of Damis (?), and utheris, to compeir befoir the Counsall."

MacRannald.

"Chargeis aganis M^cRannald and his sone, and utheris, to compeir, &c." [See *Book of Isles.*]

Prison allowance to Angus Oig Macdonald and others.

"The Lordis allowis to Angus Oig M^cDonald xiij^{li}. 4^{d}. daylie, and to Allaster M^cAllaster M^cTarlich x^{li}. daylie, and to Angus M^cEachan

[1] On the 24th May the famous Sir James Macdonald, who had been a prisoner in the Castle of Edinburgh for so many years (*ante*, p. 268, n.), had contrived to make his escape at last. It was just after his younger brother, Angus Oig Macdonald, had been brought to Edinburgh, with his chief accomplices, to answer for the treason of holding the Castle of Dunivaig in defiance of the King's authority. Now that Sir James had escaped, people might look for a commotion in Islay, and in other parts of the West Highlands, far more formidable than any that Angus Oig had been able to raise. The first movements are thus described in Gregory's *History of the West Highlands and Isles* (p. 367 *et seq.*):—"In his escape Sir James Macdonald was "assisted by Allaster MacRanald of Keppoch, "by the eldest son of the latter, and the eldest "son of the Captain of Clanranald. The en- "terprise seems to have been very skilfully "conducted. The fugitives crossed the Firth "of Forth in a small boat from Newhaven "to Burntisland, and directed their course "thence to the Highlands of Perthshire. "On the 24th May a commission was given "to the Marquis of Huntly and the Earl of "Tullibardine for the apprehension of Sir "James and his companions; and letters "were sent with great despatch to these noble- "men, urging them to intercept the fugitives "in their passage through Athole or Lochaber. "A reward of two thousand pounds was, at "the same time, offered for Sir James, dead or "alive." (See *Book of Isles*). He managed nevertheless to pass through Lochaber; thence to Skye, where he had an interview with Donald Gorme of Sleat; and thence to Eigg, where he met Coll Gillespick and the other fugitives from Islay (see *ante*, p. 299, footnote). All the Macdonalds, in fact, were now acclaiming Sir James Macdonald as their chief. Though Eigg was his rendezvous for the present, it was to Islay that his eyes were directed. How he succeeded there, and what were the events of that leadership among the Macdonalds which he had now assumed, will be best learned from the series of documents in this volume specially relating to the Isles.

Sederunts. Fol. 116, b.

M^c^Allaster vj ß. viij đ. daylie, and to ilkane of the uther three prisoneris committit to warde in the Tolbuithe of Edinburgh vß. daylie, for thair interteynment and chargeis during thair remaning in warde within the Tolbuithe of Edinburgh."

Minute Book.

The *Minute Book of Processes* gives the following memoranda collectively for the month of May 1615:—

Precognition against Jonstoun of Roustonfoot and Jonstoun of Bewheline.

Precognitione against Drumyeler and Tuedy of Dreva.

Precognition against Rollok of Duncrub and Drummond of Pitcarn.

Ryott: William Isett against William Young.

Rebellion: John M^c^Cartney against James Tenent.

Ryott: Johne Blak against Patrike Andersone.

Advocatione: Robert Robertson against the Laird of Lairs.

Ryott: Hew Broun against James Hair.

Deforcment: Archibald Primrose against Robert Robertsone.

Assythment: Johne Scott against Scott of Thirlstane.

Warrand for retaining of Georg and Robert Hepbornes till thair appearance befor the Counsell.

Rebellion: James Martin against Johne Lyon.

Rebellion: Preston of Penicook against Seatoun of Northrig.

Warrand: Earle Cathnes to apprehend M^r^ Johne Innes.

Rebellion: M^r^ James Mitchelson against James Ker.

Warrand to Thesaurer Depute to pay Thomas Foullis the pryce of certan lead for the use of the Castle.

Proces: Advocat against Johne Fleeming for speeches of treasone.

Acta Mar. 1615–Aug. 1617.

Sederunt—Chancellor; Hamiltoun; Mar; Caithnes; Linlithqw [Lotheane]; Cranstoun; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Medop; Sir Andro Ker. Edinburgh, 1st June 1615.

Fol. 6, b.

Act for the perpetual banishment of William and Archibald Elliot, convicted before the Commissioners of the Middle Shires of theft in England.

" Forsamekle as, William Ellott of Prikeanhaugh and Archibald Ellott of [Clint]woode being callit and convenit befoir the Commissionaris of the Middle Shyris for certane theftis committit be thame in England, and thay being convict of the said crymes—althoght na pairtyis compeirit to persew thame—the saidis Commissionaris wer thairupoun, and upoun some otheris speciall considerationis, moved to continew the pronunceing of dome and sentence aganis thame till thay advisit thairanent with the Lordis of Secreit Counsell; and now Williame, Lord of Cranstoun, Sir Gedeone Murray, of Elibank, knight, and Sir Andro Ker, of Oxenhame, knight, three of the saidis commissionaris, having conferrit with the saidis Lordis upoun this mater, and the saidis Lordis finding

that the saidis Commissionaris ar rather inclynit to banishe the saidis personis nor to execute thame to the deathe:—Thairfoir the saidis Lordis gevis thair advise, consent, and allowance to the saidis Commissionaris of the Middle Shyris to pronounce dome and sentence aganis the said personis, ordaning thame to be banisheit the kingdomes of Scotland and England, and to depairt and pas furthe of the same betuix and the first day of August nixttocome, and nevir to returne agane thairin during thair lyves, under the pane of deade to be seveirlie execute upoun thame without favour; and ordanis the saidis Commissionaris that, afoir thay putt the saidis personis to libertie, thay tak sufficient cautioun of thame for thair goode behaviour during thair aboade in the kingdome." Acta Mar. 1615–Aug. 1617.

Commission for the apprehension of George Ker and John Pringle, at the horn on a charge of murder.

Commission under the Signet, signed by the Chancellor, Hammiltoun, Mar, Lynlithgow, Caithnes, and Binning, to the Sheriff of Roxburgh and his deputies, the Captain and Lieutenant of the Guard, Sir Johnne Cranstoun, William Douglas of Bonejedburgh, Johnne Riddell of that Ilk, and to the Provost and Bailies of Jedburgh, within their own bounds, to apprehend and present to the Justice George Ker in Lintoun and Johnne Pringle in Dryburne, who were put to the horn on 29th May last, at the instance of Thomas Ker of Pryourhall, father of the late Robert Ker, and the brother and remaining kin, for not finding caution to appear before the Justice in answer to the charge of murdering the said Robert Ker. Commissions Fol. 207, b.

Caution for Campbell of Auchinbreck.

"The quhilk day it wes ordanit that the Laird of Cadell, M^r Donald Campbell, his bruther, and the Prior of Ardchattan, sould be tane cautionaris for the Laird of Auchinbrek for his releif of warde fra the Castell to the toun, conforme to the delyverance past to that effect upoun the vj of May last" [*ante*, p. 316]. Sederunts. Fol. 116, b.

Ker of Yair.

"Chargeis aganis the Gudeman of the Yair and toun of Selkirk." Fol. 117, a.

Sir James Macdonald.

"Missives to Donald Gorme, M^cCleud of Hereis, and the Capitane of Clanrannald, for the persute of Sir James M^cDonald."

Edinburgh, 6th June 1615.

Sederunt—Chancellor; Mar; Caithnes; Lynlithqw; Lotheane; Cranstoun; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsayth; Medop; Sir And[ro Ker] Acta Mar. 1615–Aug. 1617. Fol. 6, b.

Warrant for the immediate trial of John Henderson, a prisoner in the Tolbooth of Edinburgh, under suspicion of having set fire to a coal-heugh.

"Forsamekle as, Johnne Hendersoun, sometyme coilyear . . [haveing] bene this langtyme bigane prisonnair in the Tolbuithe of Edinburgh, [upoun] suspitioun of setting of fyre in the heughe of Fawsyde, and he [haveing] verie oft importuned the Lordis of Secreit Counsell, craveing try[all] according to the course of law and justice for the said cryme, and directionis being gevin to his Majesteis Justice to haif putt the said Johnne [to] tryall of the lawis, his tryall notwithstanding hes bene del[ayit and defer]rit fra tyme to tyme, quhairby the said Johnne takis occasioun [ilkane Coun]sall day, by his exclamationis frome the Tolbuithe window, to trouble [and vex] the Lordis, as yf manifest injustice wer

Acta Mar. 1615–Aug. 1617.

done unto him in delaying [his tryall] whenas so willinglie he offers him selff thairunto: Thairfoir the [saidis] Lordis ordanis his Majesteis Justice, who wes personalie present, [to caus putt] the said Johnne to the knowlege of ane assise for the said cryme [and to] minister justice upoun him conforme to the lawis of [this kingdome, on] the xiiij day of Junij instant, with certificatioun . . . . . ."

Fol. 7, a.

"Forsamekle as the first, secund, and thrid termes payment of the taxatioun of twa hundreth and xl^{m} ℔. grantit to oure Soverane Lord in the moneth of October 1612 ar now bigane, thairfoir the Lordis of Secreit Counsaill ordanis letteris to be direct chargeing all and sindrie archiebischoppis, bischoppis, abbotis, priouris, and otheris beneficeit personis contenit in the taxt rollis, thair chalmerlanis, factouris, and intromettouris with thair rentis and levingis, to mak payment of that soume that thay and ilkane of thame are taxt to for the said first, secund, and thrid termes payment of the same taxatioun to Sir Gedeone Murray of Elibank, knight, Collectour General appointit for ressaveing of the same, or to his deputies and officeris in his name haveing his pouer to ressave the same, within tuentie dayis nixtefter the charge, under the pane of rebellioun and putting of thame to the horne, and yf thay failyee thairin the said space being bipast to denunce thame rebellis and putt thame to the horne and to escheate, &c. As alsua to command and charge all and sindrie schireffis, steuartis, baillies, and thair deputis, fewaris, chalmerlanis, and rentallaris of his Majesteis proper landis, that thay and everyane of thame within the boundis of thair offices rais and uplift the soume of xviij ℈ money of everie pund land of auld extent lyand within the boundis of thair jurisdictionis, and that for everyone of the saidis first, secund, and thrid termes payment of the same taxatioun, and inbring and delyver the same to the said Collectour, or to his deputis and officaris in his name haveand his pouer to ressave the same, within tuentie dayis nixtefter thay be chargeit thairto, under the pane of rebellioun, &c., and yf thay failyee to denunce, &c. And siclyke to command and charge the Provestis and Bailies within ilk burgh to mak payment of the taxt and extent thairof to the said Collectour, or his deputis and officeris in his name haveing his pouer and commissioun to ressave the same, within tuentie dayis nixtefter the charge, under the pane of rebellion, &c., and yf thay failyee, to denunce, &c."

Charge for collection of the taxation of October 1612.

[*Sederunt ut in die predicto.*]

Edinburgh, 8th June 1615.

"The quhilk day the lettir undirwrittin, signed be the Kingis Majestie and directit unto the Lordis of his Majesties Previe Counsell and officiaris of his estate, wes presentit unto the saidis Lordis, and oppynnit and red in thair audience; of the whilk lettir the tennour followis:—James R.—Right trustie and weilbelovit cosine and counsellour, and trustie and weilbelovit counsellouris, we greete yow weele. Having ressavit a humble supplicatioun frome the Lord Uchiltrie and his sone, making mentioun

Registration of Royal Letters granting the petition of Lord Ochiltree and his son, who have transferred themselves permanently to Ireland, for

the continuance of the Scottish Lordship of Ochiltree in the person and family of their relative, Sir James Stewart of Killeith.

whair the said Lord, being to reteir him selff to live in Irland, and desiring exceedinglie that his place and estate in oure kingdome of Scotland may continew with the antient familie for benefeit and otheris regairdis, hes maid choise of Sir James Steuart of Killeith, knyght, (he and his sone being as it wer deade in that oure kingdome) as nixt [in] raice to succeid him, earnistlie intreating oure favour thairanent: wherupoun, considdering that no pairty can justlie complene as ony wayes interest be this course,—the said Sir James comeing in by a kynd of successioun, alsweele as by purchase,—oute of that affectioun that we haif evir had that all suche housis as haif deserved weele of us or of oure ancestouris sould continew and floorishe, oure pleasour is, after the said lord hath surrenderit in his favour, that immediatlie you accept the said Sir James in his place, inabilling him by als sufficient a warrand as can be gevin in suche thingis that he may injoy all the honnouris, digniteis, and previledgeis belonging to the Lordship of Uchiltrie, in als large and ampill maner as the said Lord might haif done befoir his dimissioun, to continew with him and his posteritie; wheranent thir presentis salbe a sufficient warrand unto you. So we bid you hairtlie fairweele. At oure courte of Grenewiche, the 27th of May 1615.—Followis the directioun upoun the bak of the lettir.—To oure right trustie and right weilbelovit cosine and counsellour, the Erll of Dunfermelyne, our Chancellair of Scotland, and to oure right trustie and weilbelovit counsellouris, officeris of estate within the said kingdome.—Quhilk lettir beingred, hard, and considderit be the saidis Lordis, thay haif ordanit and ordanis Sir Gedeone Murray of Elibank, knight, Deputie Thesaurair, and the Lords Commissionaris of his Majesteis Rentis, to pas and expeid unto the said Sir James his [infeft]ment and patent according to the tennour of his Majesteis lettir, notwithstanding ony prohibitioun formarlie gevin that no infeftmentis and [patentis] contening the dispositioun of honnouris, titlis, and digniteis sould [be exped] unles the same wer signed be his Majesteis awne hand [see *ante*, p. 311]. And the saidis [Lordis] ordanis his Majesteis said missive lettir to be insert and registrat in the [bookis of the] Secreit Counsell, thair to remane for the warrand of this present [act and] ordinance."[1]

Acta Mar. 1615–Aug. 1617.

Fol. 7, b.

[1] This family transaction among the Ochiltree Stewarts is of some historical interest and importance. The parties who resign the Scottish Lordship of Ochiltree are Andrew Stewart, Lord Ochiltree, and his son, Andrew Stewart, Master of Ochiltree,—the former of no small celebrity hitherto for his varied activity in Scottish politics, but chiefly for his Lieutenancy for the King in that expedition to the Western Isles in 1608 by which the chiefs of those Isles had been brought into obedience, and a beginning made in that work of controlling and civilizing the Isles which had been carried on so notably since by Bishop Knox (see *ante*, Vol. VIII. pp. lv–lix). Of late, however, Lord Ochiltree had transferred himself to Ireland, as one of the largest and most energetic Scottish undertakers for the Plantation of Ulster (see *ante*, Vol. IX. p. lxxvii–lxxxv); and he and his son had found reason to conclude that their future fortunes would be in their adopted Irish home. They had arranged, therefore, with the King's consent, for the transference of their hereditary Scottish peerage of Ochiltree to Sir James Stewart of Killeith. As the present document hints, it did not, by this transference, go out of the old Ochiltree family; for this Sir James Stewart of Killeith was the uncle of the resigning Lord

Acta Mar. 1615–Aug. 1617.

"The Lordis of Secreit Counsaill having consideratioun [of the grite neces]sitie of David, Erll of Craufurde, prisonnair in the Castell of [Edinburgh], who hes not the meanes to sustene and intertene his natu-rall [lyff], nor to provyde him selff of abuilyeementis and clething: thairfoir [the] saidis Lordis hes allowit and allowis to the said Erll the soume of . . . daylie to be payit be his Majesteis Thesaurair Depute to him for his [expensis] within the said castell furth of his Majesteis . . . the said Thesaurair Depute ressave a speciall warrand . . And also ordanis the said Thesaurair Depute to buy [for] the said [Erll a] stand of cloathes. For doing whairof the extract [of this present act salbe to] the said Thesaurair Depute a warrand."[1] Act for a daily allowance to the Earl of Crawfurd, now a prisoner in the Castle of Edinburgh.

Sederunts. Fol. 117, a.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Archibald Boyll, prisonnair in the Tolbuithe of Edinburgh, and actit and oblist him that he sall at no tyme heirefter during his lyvetyme resoirt nor repair to England, without licence frome his Majesteis Counsell had to that effect, under the pane of deade." Obligation by Archibald Boyle.

"Missives to the Erll of Ergyll his baillies and chalmerlanis in Kintyre, Ergyll, and Lorne, to haif a cair of the keeping of the saidis cuntreyis now in the absence of the Erll of Ergyll." Kintyre and Argyllshire.

"Johnne Andersoun fyned in the soume of xx ℔. to the King, and xx ℔. to his bruther, Williame Andersoun, for geving him ane kicke at the Counsalhous doir." John Anderson.

"Submissioun betuix Gallowsheillis and Blindley." Gallowshiels and Blindlie.

Commissions. Fol. 208, a.

Commission under the Signet, signed by the Chancellor, Byning, and Alexander Hay, to Sir Waltir Dundas of that Ilk, Mr. Johnne Gibbiesoun, minister at Dalmany, James Ramsay and George Logie, bailies of the Queinsferrie, and Robert Logie, indweller there, or any three of them,—the said Laird of Dundas being always one of them,—to apprehend, examine, and thereafter try Katherine Hill in Queinsferrie, for many years suspected to be a witch, and against whom a detestable crime of witchcraft practised by her on Laurence Allane in Queinsferrie has now been discovered. 9th June 1615. Commission for the trial of Katherine Hill in Queensferry, a notorious witch.

Fol. 210, a.

Licence to James Dalmahoy, son of Alexander Dalmahoy of that Ilk, to remain abroad for five years, without skaith to himself, his goods, or to skippers and others,—provided that the said James behave dutifully towards the King and the present religion during his sojourn abroad. 10th June 1615. Licence to James Dalmahoy to go abroad.

Ochiltree,—no other, in fact, than the son of that famous "Captain James Stewart" (one of the sons of the resigning Lord's grandfather, "the good Lord Ochiltree" of Knox's time), whose flaming career as Chancellor and Dictator of Scotland, under the usurped title of Earl of Arran, from 1583 to 1585, is one of the most extraordinary romances of Scottish History (see *ante*, Vols. III. and IV.; also Vol. V. p. 360 n., and Vol. VIII. p. 129 n.) From this point, accordingly, it is this James Stewart, the son of that extraordinary father, that figures as holder of the Scottish peerage of Ochiltree, His kinsmen in Ireland went on without any peerage-title at all till 1619, when King James created for them the Irish peerage of Stewart of Castle-Stewart.

[1] For the disreputable antecedents of this Earl of Crawfurd,—the numerous hornings against him, captions against him for debt, &c.,—see previous Volumes of the Register by the Indexes.

Given under the Signet, and signed by the Secretary, Johnne Prestoun, J. Cokburne, Justice Clerk, Sir G. Murray, and Sir W. Oliphant. Commissions. Fol. 210, a.

Similar licence to William Sinclair.

Licence in similar terms to William Sinclair, brother of the Laird of Herdmestoun. Given under the Signet, and bearing the signatures of the same Lords.

Edinburgh, 13th June 1615.[1]

Sederunt—Chancellor; Bishop of Glasgow; Caithnes; Lotheane; Binning; President; Master of Elphinstoun; Privy Seal; Treasurer Depute; Clerk of Register; Advocate; Kilsyithe; Bruntyland;[2] Medop; Sir Andro Ker; Sir Peter Young. Acta Mar. 1615–Aug. 1617. Fol. 7, b.

Commission to the Archbishop of Glasgow and five others for the examination, by torture if necessary, of the Jesuit Mr. James Moffat and his resetters, and also of the entertainers of the lately executed Jesuit Ogilvie, and for the due trial and punishment of the same.

"Forsamekle as the tryall of Moffett the Jesuite and his ressettaris, and the intertenyaris of Ogilvie, the traytour, laitlie execute at Glasgow, hes bene upoun divers occasionis deferred till now, and the Kingis Majestie being desyrous that thay, and all otheris who hes hed ony dealling or trafficquing with otheris Jesuitis or seminarye preistis within this Kingdome, salbe tryit, examinat, and accordinglie punist: thairfoir the Lordis of Secreit Counsaill, according to the Kingis Majesteis will, pleasour, and directioun, signifeit unto thame in this mater, ordanis commissionis to be past and exped under his Majesteis Signet to the reverend fader in God, Johnne, Archiebishop of Glasgu, Thomas, Lord of Binning, Secretarie, Sir Gedeone Murray, Depute Thesaurair, Sir Williame Levingstoun of Kilsayth, Sir Alexander Hay of Whiteburgh, Clerk of Register, and Sir William Oliphant of Newtoun, his Majesteis Advocat; gevand, grantand, and committand to thame full pouer and commissioun to call and convene before thame the said Mr. James Moffett and his ressettaris, and suche of the intertenyaris of Ogilvy the traytour as hes not yitt bene callit in questioun, and all otheris who at thair examinatioun of otherwayes sall appeir to be dilaitit to haif had ony dealling or trafficquing with the saidis Moffett and Ogilvy or ony otheris Jesuitis or seminarie preistis in this kingdome; and to trye and examine thame thairupoun, and upoun suche interrogatouris, questionis, presumptionis, and circomestanceis as thay shall find meete and expedyent for this mater, and, yf neede beis, and as thay sall find the necessitie of the busynes, to [require and] to extorte by questioun or tortour the treuthe of thingis requirit fra all personis accusit and broght befoir thame; and, Fol. 8, a.

[1] The following note from Calderwood (vii. 197) may be inserted at this point:—"Mr. Johne Spottiswode, Bishop of Glasco, returned from Court the 10th of June, and went to Glasco, seeming altogether ignorant who had gotten the gift of the Bishopricke of Saint Androes till one of his servants, waiting in Edinburgh upon the King's patent, sent to him to come in hast to Edinburgh. When he came, he seemed to be miscontent, as desirous to remaine still in Glasco. But in the meane tyme the gift passeth the seales."—Calderwood then appends a copy of the Latin patent appointing Spotswood to the vacant Archbishopric of St. Andrews. It is dated at Greenwich, 30th March 1615.—Spotswood himself, in his *History*, passes over his translation from the Glasgow Archbishopric to that of St. Andrews with a mere word.

[2] This name and those following are supplied from the *Book of Sederunts*. Fol. 7, b. of the *Acta* is hardly legible, and is torn at the foot.

Acta Mar. 1615-Aug. 1617.

according as thay sall find mater, to caus thame be followit and persewit befoir his Majesteis Justice, at suche tymes and placeis as thay sall think meete; and justice accordinglie to be ministrat upoun thame conforme to the lawis of this realme; with pouer to thame alsua to gif warrandis, chargeis, and directionis for apprehending and presenting befoir thame of suche personis who ar to be examinat in this mater, and to do and performe all otheris thingis requisite and necessair for the better executioun of this commissioun: ferme and stable halding, and for to hold, all and whatsomevir thingis thay shall lauchfullie do heirin."

Act forbidding under severe penalties the sending abroad of any Scottish children or youths to be educated in Popish colleges or seminaries, and ordering the recall of all such already abroad, and their return under pain of forfeiture of all their rights of property, with penalties on those at home who may send remittances to such absentees, and offers of reward for the discovery of offenders.

"Forsamekle as it is undirstand to the Kingis Majestie and Lordis of his Secreit Counsaill that divers of his Majesteis subjectis of this kingdome send thair children beyond the seas, of intentioun that thay sould be educat in colledgeis, seminaryis, or housis of Jesuitis and otheris popishe ordouris and professionis, to be instructit, persuadit, or strenthned in popishe errouris, whairby thay become not onlie corruptit and pervertit in religioun, bot also poisoned and infectit in thair dewitie and allegiance towards his Majestie, and alienated frome thair naturall love and affectioun towards thair countrey,—whiche is so mutche the more dangerous becaus this poisoun, [being] infused into youthis and studentis (as into new veshellis), groweth in tyme into ane inveterat habite of malice aganis the present governament; and the Kingis Majestie, with advise of the Lordis of his Previe Counsell, being cairfull throughlie to prevent the pernitious consequencis whilkis by occasioun thairof may daylie more and more growe upoun his Majesteis royall persone, croune, estate, and loving subjectis:—Thairfoir his Majestie, with advise foirsaid, hes statute, commandit, and ordanit, and by verteu of this present act commandis and ordanis, that no persone nor personis pas, go, send, or caus to be sent, ony childe or other persone under thair governament into ony pairtis beyond the seas oute of his Majesteis obedyence, to the intent to enter into, or to be resident in, ony colledge, seminarie, or house of Jesuitis preistis, or ony other popishe ordour, professioun, or calling quhatsomevir, or repair in or to ony of the same to be instructit, perswadit, or strenthned in the popishe religioun, or in ony soirt to profes the same,—under the pane that everie persone so sending or causing to be sent ony childe or other persone beyond the seas to ony suche purpois and intentioun sall forfeyte for his offence twa thousand merkis Scottis, and that everie persone so passing or being beyond the sea for suche intent and purpois shall for him selff onlie, and not inrespect of ony of his heyris or posteritie, be disabilled and maid incapable to succeid, inherite by tak, haif or injoy, ony housis, landis, annuyteis, proffeittis, commodityis, heritageis, goodis, debtis, legacyis, or soumes of money within this realme or ony otheris his Majesteis dominionis, and that all rightis, titlis, or other interestis whatsomevir heirtofoir to be maid, sufferit, or done to or for the use or behooffe of ony suche persone or personis, or upoun ony truste and confidence mediatlie or imm[ediatlie] to or for the benefeit and releiff of ony suche persone or personis, salbe

Fol. 8, b.

allutterlie voyde and of nane effect to all intentis, constructionis, and purpoisis. And, forasmuche as thair is nomberis of his Majesteis subjectis and thair children of bothe sexis gone and sent alreddy beyond [seas and] ar educat and remayne in the saidis seminaryis and colledgeis, or otherwayes do repair unto and frequent the same:—thairfoir his Majestie, with advise foirsaid, straitlie commandis and chargeis all parentis, [tutouris], and governouris of ony childe or persone whiche now remaneth [or is] educat in ony of the saidis seminaryis, housis, or colledgeis, that thay furthwith send for and recall everie suche childe or persone whiche [yitt] remayneth or is educat in ony of the saidis seminaryis, housis, or colledgeis, to returne with all diligence into this kingdome, and [that thay] use the uttermost of thair auctoritie and meanis whiche thay possibillie [may] for reduceing and recalling thame, under the pane of his Majesteis indignatioun and displeasour, as also of censure and punishement by his Majesteis Counsell for thair contempt or neglect in [that behalfe]. And, yf ony of the saidis personis so gone beyond the seas shall [not] returne, nor by the auctoritie of thair saidis parentis and . . recallit, within the space of sax monethis after the publicatioun heirof, his Majestie, with advise foirsaid, commandis thair saidis parentis, tutouris, and governouris, and all otheris his Majesteis subjectis, that thay ar not thairefter directlie nor indirectlie [to] send over or mak over in coyne, gold, silver, wairis and other worthe, or be billes of exchange or other meanes and devises quhatsomevir, ony releif or mantenance [unto] thame or ony of thame, or to otheris in thair names, under the pane of fyne [and im]prisonment, and other heighair punishement whilk the saidis Lordis of Previe Counsaill, after consideratioun of the particulair caisis and circomestanceis of everie suche fault, shall think goode to inflict. And lykewayes his Majestie, with advise foirsaid, willis and ordanis that the saidis personis who ar at this tyme in ony colledge, seminarie, house, or place beyond the seas to the end to be instructit and strenthned in the popishe religioun, and sall not mak returne within this realme within ane yeir nixt comeing after the publicatioun of thir presentis, and become conformable and obedyent to the lawis and ordinanceis of the Kirk of this realme, salbe for him selff onlie, and not inrespect of ony of his airis or posteritie, utterlie dishabilled and maid incapabill to succeid, inherite, have or injoy ony housis, landis, heritageis, goodis, debtis, or otheris thingis abonenamed within the realme or ony otheris his Majesteis dominionis, providing alwayes that in the meantyme the nixt of his or hir kine who sall not be of popishe professioun sall haif and injoy the saidis landis, housis, heritageis, goodis, and debtis to thame dew or discending, till suche tyme as the persone so sent or gone beyond the seas conforme him or hir selff to religioun, tak the oathe of supremacye, and ressave the sacrament of the Lordis Supper. And, after the taking of the said oathe, ressaveing the sacrament, and conformeing thame selffis as said is, he or thay who sall haif ressavit the proffeittis of the saidis landis, rentis, and goodis, shall mak accompt of the proffeittis

Acta Mar. 1615–Aug. 1617.

Fol. 9, a.

Acta Mar. 1615–Aug. 1617.

so ressavit, and in reasounable tyme mak payment thairof, and of the valu of the goodis ressavit, to the persone who sall so conforme him or hir selff, he or she being alwayes of the aige of xviij yeiris or more who taketh the oathe abonespecifeit. And, for the better preventing of all suche offensis, [his] Majestie, with advise foirsaid, straitlie commandis, chargeis, and inhibitis all maner of personis, men, women, and childrene,—except saillaris, ship boyis, mercheant aprenticeis, and factouris in the trade of mercheandice, and souldiouris,—to go or pas beyond the seas without speciall licence frome his Majestie and sax of the Previe Counsaill at least (whairof his Majesteis Secretarye to be ane) under thair handis and seallis, under the pane that the persone so transgressing sall forfeyte the soume of ane thousand pundis Scottis, to be equallie divydit, the one half to his Majesteis use, and the other half to the pairtye who shall gif informatioun aganis the offendour. And the awnair of the ship and veshell who sall wittinglie and willinglie carye ony over seas without licence sall forfeyte his ship or veshell, with all the taikle; and everie maister and maryner of or in ony suche ship or veshell offending as is afoirsaid sall forfeyte all thair goodis, and suffer imprisonment by the space of tuelff monethis without ony releif. And, lastlie, becaus by the lawis of this kingdome, and by the oathe whilk all his Majesteis subjectis

Fol. 9, b.

tak or aucht to tak, thay ar, everie of thame, bundin to reveill onything whilk may concerne the dangeir of his Heynes persone or estate,—of whilk kynd his Majestie hes declairit and by thir presentis declairis this educatioun of the youth of this kingdome in suche seminaryis, or sending mantenance to thame, to be,—thairfoir his Majestie straitlie commandis and chargeis all his loveing subjectis and everyone of thame that, quhair thay haif ony knowledge, adverteisment, or intelligence of ony childrene or otheris personis being his Majesteis subjectis remaining or educat as said is, or of ony soumes of money, releif, and mantenance gevin or imployit to thair use, that thay do furthe worthe discover and reveill the same to his Majesteis Previe Counsaill or some of thame, as thay will answer upoun the contrair at thair perrell; for discoverie wherof, without forder chargeis to be maid be thame, thay sall ressave the half of that foirfeytour whilk accresceth to his Majestie by law, and be forder rewardit oute of his Majesteis liberalitie yf the caise so require. And that lettiris of publicatioun be directit heirupoun."

Act prohibiting the sending abroad of any writings or pamphlets on whatever subject to be printed at foreign printing-presses, unless the same have been previously licenced by the two Archbishops.

"Forsamekle as it is understand to the Kingis Majestie and Lordis of Secreit Counsaill that divers ministeris and otheris subjectis of this kingdome hes of laite taue a course to send some bookis and pamphlettis to be prentit beyond the seas, especiallie at Middleburgh,—the same not being revised and allowit by these whome his Majestie hes authorized with that previledge,—whilk with tyme may breid grite inconvenientis bothe to this Estate and Kirk, yf remeid be not providit: Thairfoir the saidis Lordis ordanis lettiris to be direct to command, charge, and inhibite all and sindrie his Majesteis liegeis and subjectis, alsweele ministeris as otheris whatsomevir, be oppin proclamatioun at the mercatt croceis of the

and the Secretary of State.

heade burrowis of this realme and otheris places neidfull, that nane of thame presome nor tak upoun hand to send ony bookis, writtingis, or pamphlettis of whatsomevir subject to be published and prented beyond the sea, except the same haif bene first revised and approved by the Archiebischoppis of Sanctandrois and [Glasgow] and by his Majesteis Secretarie of Estate: certifeing thame that [salbe fundin] to contravene and transgres this his Majesteis commandment that thay salbe accomptit and punished as raisaris of shisme, seditioun and . . . . , and contravenaris of his Majesteis auctoritie, with all rigour, to the example of otheris." Acta Mar. 1615-Aug. 1617.

Galashiels and Blindley.

"Decreit arbitrall betuix Gallosheillis and Blindley." Sederunts. Fol. 117, b.

Linton and Blindley.

"Letteris of slanes betuix Lintoun and Blindlie subscryvit."

Galashiels and Blindley.

"Letteris of slanes ordanit to be subscryvit betuix Gallosheillis and Blindley."

Edinburgh, 15th June 1615.

Sederunt—Chancellor; Bishop of Glasgu; Binning, Secretary; Bishop of Caithnes; President; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medop; Sir Andro Ker; Sir Peter Young. Sederunts. Fol. 117, b.

Alexander Jackson.

"Charge aganis the Provest and Baillies of Perthe for exhibitioun of Alexander Jaksoun of Watterybutis."

16th June 1615.

Commission for the trial of James Sanderson for sheep-stealing.

Commission under the Signet, signed by the Chancellor, Binning, Jo: Prestoun, G. Murray, and Alexander Hay, to Johnne Cockburne of Clerkingtoun, Sheriff Principal of Edinburgh within the Constabulary of Hadingtoun, and M^r James Cockburne of Wester Monkrig, his depute, to try James Sandersoun in , who was apprehended on 22nd (?) June instant for stealing a wether and a lamb from George Brown of Colstoun; for which he now lies in the tolbooth of Hadingtoun. Commissions. Fol. 208, b.

Edinburgh, 20th June 1615.[1]

Sederunt—Alexander, Comes de Dunfermeling, Cancellarius; Joannes, Marchio de Hamiltoun; Joannes, Comes de Mar; Georgius, Comes de Caithnes; Alexander, Comes de Lynlythqw; Robertus, Comes de Lotheane; Alexander, Episcopus Cathanen.; Thomas, Dominus Binning, Secretarius; Magister Joannes Prestoun de Pennycooke, Preses; Alexander, Magister de Elphinstoun; Dominus Ricardus Cokburne de Clerkintoun, Custos Secreti Sigilli; Dominus Egedius Murray de Elibank, Thesaurarius Deputatus; Dominus Alexander Hay de Quhyteburgh, Clericus Registri; Dominus Willelmus Oliphant de Newtoun, Advocatus; Dominus Alexander Drummond de Medop. Decreta June 1615-Mar. 1616. Fol. 1, a.

[1] At this point, after dependence for eighteen months on the occasional and imperfect substitutes for the missing volume of the regular Register of the DECRETA of the Council which extended from December 1613 to June 1615 (see *ante*, p. 198, footnote), we are able to resume the use of the regular Register in the preserved volume of it from June 1615 to March 1616.

Decreta June 1615–Mar. 1616. Fol. 1, a.

In the dispute between Andrew Ker of Yair and the Magistrates of Selkirk.

Preamble states that,—"all materis questionable betuix Andro Ker of the Yair, on the ane pairt, and the provest and bailleis of the burgh of Selkirk, on the uther pairt, being submitit amicablie to certane of the Lordis of his Majesteis Counsale and Sessioun, and to some advocatis who formarlie had bene appointit be the saidis Lordis to visite the ground of the landis contravertit betuix the saidis pairteis, to the effect thay by thair decrite and sentence micht have removit all questionis and materis of pley betuix thame, and establischet peace, quietnes, and good ordoure betuix thame,"—the said judges had, from intervening occasions, "sufferit the said submissioun to desert and expyre without doing ony thing thairintill, quhairby the materis questionable betuix the saidis pairteis yit continewis fresche and recent, and some inconvenientis ar thairupoun lyke to fall oute." And now, Andro Ker of the Yair appearing personally, and James Keene, bailie, and Robert Scott, burgess and one of the council of Selkirk, also appearing for the provost and bailies of the burgh, these latter "gaif in a petition to the saidis Lordis, in name of the provest, baillies, counsaill, and communitie of the said burgh of Selkirk, be thair clerk of courte at thair command, proporting and bearing that thay could not submitt that mater questionable betuix thame and the said Andro Ker of Yair, becaus the same concernit ane pairt of Yair commountie and commoun landis, and that this submissioun micht be ane preparative to other clannit gentilmen in the cuntrey, thair circumjacent nichtbouris, to bring the rest of thair commountie in questioun, and sua robbe thame of thair haill commoun landis."—The Lords repone both parties "in thair awne placeis, and to thair fredome and previledge quhilk formarlie thay had upoun the commountie of the landis contravertit betuix thame," viz.: the said Andro to his freedom of pasturing, and the magistrates to their freedom of riding of their marches as formerly; and they order both parties to refer their case to the ordinary courts of law, and command the magistrates of Selkirk "that in the ryding of thair marcheis thay behave thame selffis in peciable, modest and comelie maner," and forbear all violence and other insolent doings against Sir Andro Ker.

Fol. 1, b.

James Imrie and others denounced for not appearing to a charge of wearing fire-arms.

Fol. 2, a.

Complaint by Sir William Oliphant of Newtoun, King's Advocate, that, in defiance of the laws against the wearing of hagbuts, &c., James Imrie, servitor to Thomas Urquhart of Burisyairdis, James Braidhead in Grange, David Forsyth in Kinlos, Johnne Duncane there, William M^cAllaster in Auchnagalt, Thomas Ros in Preistishill, Patrik Sinclair in Auchannachie, Johnne Crokat in Letathie, and James Stewart of Eister Galdwall have on divers occasions "borne and worne hagbutis and pistolletis upoun thair bodyis and in thair companyis."—The Lord Advocate appearing personally, and defenders not appearing, the Lords order them to be denounced rebels.

Edinburgh, 22nd June 1615.

Sederunt—Chancellor; Bishop of Glasgow; Caithnes; Lynlithqw; Cranstoun; Binning; Bishop of Caithnes; President; Privy Seal;

Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Sir Andro Ker; Sir Petir Young. Decreta June 1615-Mar. 1616.

John Brown against James Stratoun for assault: jurisdiction in the case claimed by the Bailies of Edinburgh, and allowed by the Lords.

Complaint by Johnne Broun, son of James Broun, skipper in Prestoun Panes, against James Stratoun, hatmaker and burgess of Edinburgh, for having abused pursuer's father in the defender's "awne buith in this burgh," because the said skipper had "soberlie cravit from him the fraucht of some hamper creillis and kistis brocht hame be him frome London to the said James."—The narrative bears that, pursuer and defender "haveing enterit in some altircatioun of wordis within a foir buith of the said burgh of Edinburgh" on a day in June, the defender first "shamefullie and unhonnestlie strak him upoun the face with his fauldit neive, pullit the cloik frome him, raive the same in sindrie pairtis thairof" (which he still keeps), and then carried him to the town officers, who made him prisoner. While pursuer was being conducted to the Tolbooth by the officers, the defender overtook the company in the High Street, and made a fierce assault with a baton on pursuer, giving him sundry blows on the head, shoulders, and elsewhere, —Pursuer and defender both appearing personally, William Neisbitt and Mungo M°Call, bailies of Edinburgh, who appeared in the interest of the burgh, alleged that the magistrates, as justices of the peace, had summoned before them the said James and had passed sentence on him for the insolence; and also that "as schireffis within the said burgh" they had given decree in a suit raised by the said James against the said John, in which they had censured the latter "for the persute of the said James, first in his awne buith and thairefter upoun the streit of the said burgh." The said bailies produced the said "rolmentis of court," the former dated 17th June, and the latter dated 21st June; and desired that the Lords would not "prejudge the said burgh in the previledge of thair office, nor proceid to the trying and censuring of the said mater, whairin thay had already proceidit." To this pursuer answered "that he had nawyse insistit in that persute moved before thame aganis the said James Stratoun, bot that the said persute wes followit oute be the procurator fishall of the said burgh without his concurrence, and that thairfore he sould not be prejudgeit in his just and lauchfull persute." The Lords "allowis of the tryall tane and of the decrite and sentence accordinglie gevin be the saidis bailleis in this mater, and, inregaird thairof, findis that no proces aucht to be grantit to the said persewair in the mater foirsaid." Fol. 2, b. Fol. 3, a.

The Bailies of Perth to be denounced for not producing a prisoner.

Alexander Jaksoun of Watterry Buttis having cruelly slain Patrik Cok in Newbigging at his own door, and having been apprehended "with the bloodie hand" and committed to the tolbooth of Perth, where he now remains, Chairlis Rollog,[1] Andro Gray, Constantine Malice, and Andro Andirsoun, bailies of Perth, had been charged to exhibite the said

[1] Also spelt *Rollok* in same entry.

Decreta June 1615–Mar. 1616. Fol. 3, b.

prisoner this day.—The said magistrates not appearing, and the said prisoner not having been produced, the Lords order the said bailies to be denounced rebels.

Prosecution of William Turner and his wife for concealing treasure-trove and disposing of the same.

Complaint by the King's Advocate, as follows:—In April last William Turnour in , and Bessie Gracie, his spouse, "fand in a yaird besyde the brigend of Drumfreis, pertening to Harbert Hunter in Halywood, ane hoord of gold and silver, with ane chainyie of gold, extending to ane grite availl and sowme." They have not only "most undewtifullie conceallit that mater," but have "sparpallit and disponit upoun the same gold and silver at thair pleasour, and hes disponit the said chanyie to Sir William Maxwell of Gribtoun, upoun conditioun, as appeiris, betuix thame that he sall mantene thame in the unlauchfull retentioun of the said gold and silver." Defenders will not deliver up the gold, nor will Sir William Maxwell give up the chain to the Treasurer Depute.—Pursuer appearing personally, and the said Williame Turnour appearing for himself and his said spouse, the latter admits having found 18 pieces of gold and "a litle chenyie of gold." He produces the following: viz. "four unicornis weyand half ane unce wanting fyve granes, quhilkis, being reated at threttie fyve pundis twelf schillingis the unce, ar worth sevintene pundis ix ß. iiij đ.; twa Frensche crownes worth aucht pundis xvj ß.; ane Frensch crowne and ane single pistollet worth aucht pundis xiij ß. iiij đ.; and ane half of ane denny weying threttie thrie granes, worth fourty four schillingis." He declares that he had "sparpallit and disponit upoun" the remaining pieces, and that the chain was given to the said Sir William Maxwell.—The Lords order defender to be committed to the Tolbooth of Edinburgh, and there to remain at his own expense till further order be made; and they order the pieces of gold to be delivered to Sir Gedeone Murray, the Treasurer Depute. The said Treasurer Depute, being present, receives the said pieces. He also produces a piece of a "cheynyie of course gold" which had been sent to him by Sir William Maxwell, "contening fyftie sax linkis and weying ane unce thrie quarteris and half ane drope weght, quhilk, being raited at threttie sex pundis the unce, is worth threscore four pundis ij ß. vj đ." The Lords order him "outher to keepe the same till forder discoverie be had of this mater, or utherwyse to sell and dispone upoun the same to his Majesteis use, as he sall think good."

Fol. 4, a.

Thomas Batie against Patrick Cranstoun for assault.

Complaint by Thomas Batie in Thirlestane Maynes, that on 16th June instant Patrik Cranstoun of Corbie went to the lands of the Eist Maynis of Thirlestane and committed a fierce assault on pursuer with a great "staulff or battoun."—Pursuer and defender both appearing personally, the latter, denying the charge on oath, is assoilzied.

Matthew Barns denounced for assault on Archibald Davidson.

Complaint by Archibald Davidsone, merchant and indweller in Edinburgh, as follows:—In July last, while pursuer was coming from the city of Brechin towards the burgh of Dundie "in sober and quiet maner," Mathew Barnis, merchant, burgess of the said burgh, who had "consavit ane deidlie haitrent" against pursuer, and was then accompanying him

on horseback, upbraided pursuer, and urged him to "deliver to him an elnewand whiche wes in his hand." Pursuer having refused, the said Mathew "pullit out ane quhinzeair" and "strak at" pursuer, who then jumped from his horse "for the bettir saifing of him self"; whereupon defender also alighted, and with a drawn sword wounded pursuer in the face, right hand, and other parts, till by the providence of God and the help of some good people pursuer was rescued from certain death.—Pursuer appearing personally, and defender not appearing, the Lords order defender to be denounced rebel. Decreta June 1615–Mar. 1616. Fol. 5, a.

James Forman against John Stewart, water-bailie of Leith, for delivery of certain sails belonging to a Dutch skipper.

Complaint by James Foirman, "watter baillie of the heavin and porte of Leith," as follows:—Petir Claes Rothus, skipper, indweller in Raterdame, had been constituted commissioner by Martene Joris Coe, Bastiane Henriksone Bulman, and Jacob Henriksone Bulman, indwellers in Skydame, owners of the ship called the , of which Joris Jacobsone in Skydame was master, and which was taken in Orkney by pirates, for receiving in their names twelve sails, "mekle and litle." The sails had been "impute" in the castle of Kirkwall, and had been afterwards taken to Leyth by Johnne Stewart, skipper in Leyth, who yet retains them. They are specially mentioned in the commission under the town seal of Skydame, dated 12th April last, "as the samyn schawne to the saidis Lordis in the Flemyis language at lenth beiris." The said Petir Claes, "being loath to stay heir upoun the ressait of the saidis saillis, he haveing necessarlie ado to turne bak agane with diligence to his awne cuntrey," had made complainer his substitute, and had given him powers undir his hand, dated 18th May last, to receive the said sails; but defender still refuses to render them.—Pursuer appearing personally, and defender appearing by Margaret Finlasoun, his spouse, who said her husband was willing to surrender the sails if he had warrant from the Council, the Lords order defender to deliver the sails to pursuer. Fol. 5, b.

Suspension of horning against Donald MacAngus of Glengarry.

Complaint by Donald M^{c}Angus of Glengarrie, that he has been wrongously put to the horn at the instance of the late Harie Stewart in Stradie for not exhibiting his alleged tenants and servants, Donald M^{c}Lauchlane, Patrik M^{c}Conochie Vaine, Ewir M^{c}Ewer M^{c}Gillichallum, Gillespik M^{c}Connochie M^{c}Coneill Bayne, Angus M^{c}Dowll V^{c}Conneill Bayne, M^{c}Fauch V^{c}Gillichallum, who had stolen from the said Harie 20 ky and 8 oxen. Pursuer had never been lawfully charged to appear and exhibit the said persons. Had he been charged he would have willingly appeared to prove that he was not answerable for the said rebels. Nevertheless, for obedience, he had found caution for 1000 merks to appear when called upon, and to produce the said persons, and to pay £100 for his escheat goods.—Pursuer appearing personally, and the defenders Arthour and Robert Stewart, sons of the late Harie Stewart, not appearing, the Lords suspend the process of horning till the principal letters of horning be produced. Fol. 6, a. Fol. 6, b.

Caption against John

Complaint by Edward Forrester, commissioner of the burgh of Kirk-

Decreta June 1615–Mar. 1616. Fol. 7, a.

cudbricht, that Johnne Redick of Barharrow remains unrelaxed from a horning of 10th September last for not paying to pursuer the sum of £40 as "maill and dewtie" for the "thrie merk land of Overlestoun, with the pertinentis," owing for 11 years and one term and amounting to £460.—Pursuer appearing by Alexander Douglas, macer, and the defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Reddick for debt to Edward Forrester.

Complaint by the King's Advocate against James Halden in Corstorphin and James Andirsoun in Nortoun for wearing hagbuts daily.—In December last, defenders went to the house of M^r^ Thomas Young, writer to the signet, in the town of Nortoun (M^r^ Thomas being then in Edinburgh); and, "entering in the closse of the said house, the saidis personis, for quhat caus and purpois the said Advocat knowis not, shote a nowmer of schotis within the said closse at the said Maister Thomas his house, and thairwithall schote and slew a nomber of his dowis."—Pursuer appearing personally, and James Andirsone being present, but James Halden not appearing, the Lords assoilzie the said James Andirsoun, and order the said James Halden to be denounced rebel.

Prosecution of James Haldane and James Anderson for wearing hagbuts.

Fol. 7. b.

Commissions. Fol. 209, a.

Commission under the Signet, signed by the Chancellor, Linlythgow, Caithnes, and Bining, to James, Marquess of Hammyltoun, Patrik, Earl of Kinghorne, James Haliburtoun of Pitcur, Johne Skrymgeour of Dudhoip, Sir David Carnegie of Kynnaird, knight, the Captain or Lieutenant of the Guard, the Provosts and Bailies of Dundie, Montrois, Forfer, and Brechine, to apprehend and exhibit before the Council Alexander Ramsay in Arbroith, who was put to the horn on 8th June instant, at the instance of M^r^ Johne Granger and Andro Eliot, bailies, burgesses of Arbroith, and M^r^ Patrick Carnegy, chamberlain of Arbroith and one of the council of the burgh, for not appearing before the Lords of the Privy Council in answer to charges of (1) assaulting the said Mr Patrik Carnegie, (2) escaping from the tolbooth of Arbroith, and attacking the bailies with a drawn sword; besides other charges specified in the letters of horning.

Commission for the apprehension of Alexander Ramsay, at the horn for assault, break of ward, and other crimes.

Sederunts. Fol. 119, a.

"Certane actis and directionis anent the persute of Sir James M^c^Donald." (See *Book of Isles* under this date.)

Sir James Macdonald.

Edinburgh, 23rd June 1615.

[Sederunt not recorded.]

Acta Mar. 1615–Aug. 1617. Fol. 9, b.

"Anent the charge gevin to Lundie of Balgonie and Mr. Johnne [Leslie] of Newtoun to have compeirit personalie befoir the Lordis of Secreit Counsell in the Over Counsalhous of Edinburgh this present day in the foirnoone, to have answerit to suche thingis as sould be demandit of thame tuitcheing certane quarrellis and eleistis laitlie fallin oute betuix thame, and to have underlyne suche ordour as sould be tane thairanent, under the pane of rebellioun and putting of thame to the horne,

Reconciliation of the Lairds of Balgonie and Newton.

with certificatioun to thame and [thay] failyeet letteris sould be direct *simpliciter* to putt thame thairto, lyke as at mair lenth is contenit in the said charge: quhilk being callit, and bothe the saidis pairtyis compeirand personalie, and thay being at lenth hard in this mater, thay promeist upoun thair faithe, honnour, and credite nevir to call to remembrance ony bigane quarrellis betuix thame, and to keepe freindship the one with the other, for ony thing that hes fallin oute betuix thame in tyme bigane: and for this effect thay presentlie choppit handis with all outward showis of love and kyndnes." Acta Mar. 1615–Aug. 1617. Fol. 10, a.

Edinburgh, 25th June 1615, *ante meridiem*.

Sederunt—Chancellor; Bishop of Glasgu; Hamiltoun; Mar; Caithnes; Binning; Bishop of the Isles; President; Privy Seal; Treasurer Depute; Clerk of Register; Advocate; Medop. Sederunts. Fol. 117, b.

Measures for the pursuit of Sir James Macdonald and Coll M°Gillespic.

"The quhilk day the Lordis of Secreit Counsaill haveing convenit for advising, resolving, and concluding upoun some course and ordour for the persute of Sir James M°Donald, M°Ronnald Coill M°Gillespik, and thair compliceis, and for preventing of all disordouris, trouble, and rebellioun to be intendit be thame, and the saidis Lordis haveing gottin some informatioun and notice of thair nomberis and forceis, thay haif resolved that the best way to persew thame is by ane force be sea with gallayis and birlingis, quho salbe able to persew thame alsweele be sea as to follow and persew by land incaise thay salhappin to come on land; and that this force and army sall consist of fyve hundreth men, to be furnist and sett furth be the chiftanes and principall clannit men in the Ilis, and provìdit with gallayis and birlingis and with all weirlyke provisioun and furnitour, and with fourty dayis victuallis and provisioun; and that thair randevous and meeting salbe at Lochquhaber, quhilk is in the middis betuix the Northe and West Yllis, and that thair they sall joyne togidder and pas fordward in the prosequutioun of that service." Fol. 118, a.

Campbell of Lundie charged with command of the Expedition.

"It is thought meete that some speciall persone of rank and qualitie sall haif the charge of the conducting and commanding of thir forces; and, in respect of the absence of the Erll of Ergyll, that the Laird of Lundie, his bruther, be burdynnit with that charge; and that he be writtin for to be heir for accepting of this charge upoun him with all possible diligence."

Composition of the Expedition.

"That thir forceis be sett oute with all weirlyke preparationis and with gallayis and birlingis be the personis following:—to witt, be the Erll of Ergyle, for him self and his haill cuntreyis, tua hundreth and fyftie men; be M°Clayne, for him and his freindis, to witt the Lairdis of Coill, Lochbuy, M°Kynnoun, and utheris his freindis, ane hundreth men; be M°Cleude of Hereis, fyftie men; be the Capitane of Clanrannald, fiftie men; be Donald Gorme, tuentie fyve men; and be the Tutour of Kintaill, for the Lord Kintaill, tuentie fyve men: and that chargeis and missives be direct aganis the saidis personis for haveing of thair forceis in reddynes and in goode equippage, with thair gallayis and

Sederunts. Fol. 118, a.

birlingis, at the tyme and place of meeting to be appointit; and that every one of thame appoynte a man of rank and qualitie to command over thair awne men, and the haill [to] obey the Commissionair to be named be the Counsell. And the setting oute of thir forceis sall liberat the personis foirsaid and thair cuntreyis frome all forder service be sea; and thay sall be no forder astrictit bot onlie to keepe thair awne boundis, that the rebellis haif no landing nor ressett thair, and to concur with his Majesteis Commissionair incaise he salhappin to putt the saidis rebellis in thair boundis and persew thame thair."

Promise to those composing the Expedition.

"In the missives to be direct to the saidis personis that mentioun be maid that none of thair kyndlie roumes and possessionis salbe sett over thair headis yf thay sall approve thame selffis in this service: and that thir missives and chairgeis be exped with diligence."

Fol. 118, b.

The Earl of Enzie to cooperate in the service.

"That ane missive be writtin to the Marques of Huntlie desiring him to send his sone the Erll of Enyee to Lochquaber with diligence to persew the rebellis yf thay be thair, to tak, dimoleish, and cast doun M^{c}Rannaldis housis, to intromet with his haill goodis and quhat els belongis unto him, and to mell with the goodis of suche personis within Lochquhaber as hes ressett Sir James M^{c}Donald sen his eshaip furth of warde."

A son of the Laird of Glengarry in the hands of the rebels, and two of the rebels in the Laird's hands.

"The quhilk day the Laird of Glengarrie compeirand befoir the Counsell, he declairit that Sir James M^{c}Donald and M^{c}Ronald had tane his secund sone and ane servand and caryit thame away with thame, and that his eldest sone, upoun informatioun heirof maid unto him, had followit the rebellis with suche forceis as he could conveene upoun the suddane, and in a conflict betuix thame had tane tua of the principallis of M^{c}Rannald's company,—to witt, Johnne Dow M^{c}Coneill M^{c}Angus Neyll and Duncane M^{c}Gorrie; and that the rebellis offerrit delyverie of Glengarries sone and servand for releif of the other tua prisonnaris foirsaidis, quhilk Glengarrie refuisit to do without a warrand frome the Lordis of Counsell. The saidis Lordis haveing hard Glengarrie upoun this mater, thay ordane him to caus exhibite the saidis tua prisonnaris heir befoir thame; quhilk he promeist to do within ten dayis." [This entry occurs in the *Book of the Isles* under the date 22nd June 1615. Johnne Neyll is there styled "Johnne M^{c}Eanduy V^{c}Angus Neill."]

Number of vessels available for the Expedition.

"The informatioun quhilk the Lordis of Secreit Counsaill hes ressavit concerning the nomber of galayis and birlingis in the Yles:— M^{c}Cleude of Hereis, ane gallay, with some boitis of aucht airis: Donald Gorme, ane birling, with some boitis of aucht airis; the Capitane of Clanrannald, ane birlyne; the Capitanes bruther, ane galley; M^{c}Kynnoun, ane boit with aucht airis; M^{c}Clayne, tua gallayis, aucht birlynis; the Laird of Coill, ane gaillay, tua birlingis; the Laird of Ardgour, ane birling; M^{c}Phie, ane birling; the Erll of Ergyll, ane galley.—Ane galley is ane veshell of xviij airis and abone to xxiiij airis; ane birling is a veshell of xij airis and abone to xviij airis. The birth of ane gallay and birling and the nomber of men of weir quhilk thay ar able to

carye is estimat according to the nomber of thair airis, compting three men to every air." Sederunts. Fol. 119, a.

Infeftment of Lord Ochiltree in certain lands stopped.

"The quhilk day Sir Gedeone Murray of Elibank, knyght, Deputie Thesaurair, declairit that the infeftment craved be James, now Lord Ulchiltrie, of certane landis pertening to the Capitane of Clanrannald wes not past nor exped, be that he had stayit the same afoir his Majesteis warrand and directioun come doun to him for that effect."

25th June 1615, *post meridiem.*

Sederunt—Chancellor; Hammiltoun; Mar; Caithnes; Lynlythqw; Lotheane; Binning; Bishop of Caithnes; President; Master of Elphinstoun; Privy [Seal].[1]

[No record of proceedings.]

Edinburgh, 27th June 1615.

Sederunt—Chancellor; Caithnes; Binning; Bishop of Caithnes; President; Treasurer Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Bruntiland; Sir Andro Ker; Sir Petir Young. Decreta June 1615-Mar. 1616. Fol. 8, a.

Caption against Arthur Erskine at the suit of David Arbuthnot.

Complaint by David Arbuthnot, portioner of Auchtirforthir, that Arthour Erskin, portioner of Auchtirforther, and Thomas Erskin, his uncle, remain unrelaxed from a horning of 24th June 1613 for not removing themselves and their households from "all and haill ane quarter of his sony half toun and landis of Auchtirforther, and of the east sony half of the pendicle of the said toun and landis callit Burnesyd, his half mylne, mylne landis, multuris and sequellis thairof, with the pertinentis."—Pursuer appearing by M^r^ Williame Davidsoun, his procurator, and the said Arthour Erskin not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Petition of John Sinclair respecting his capture of a pirate ship off Caithness.

Petition by Johnne Sinclair, servitor to George, Erll of Caithnes, as follows.—The said Earl having sent a warrant to the Laird of Murkill, his brother, "to keip the cuntrey of Caithnes frie of the rebellis of Yla, and of all pyorotis and brokin men," the said laird had appointed petitioner "to attend upoun the coast about and besyd Thurso." In June last petitioner pursued Captain Masoun, a pirate, who had come "with a prise within the saidis boundis," and took his ship. He "broght him and his equippage heir, and committit the chairge of the keiping of the prise to fyve personis of the cuntrey people, who upoun his chairgeis hes keipit hir," and who now wait the pleasure of the Lords.—The Lords declare that petitioner and those who have helped him have done good service, and exoner him "of all pane and cryme that might be impute to him thairthrow for evir." Fol. 8, b.

Modification of caution for John Gordon.

Petition by Johnne Gordoun, third son of Gordoun of Carne-burrow, as follows.—Five or six years ago the petitioner, who had been Fol. 9, a

[1] The Sederunt seems to be incomplete, as the Clerk has stopped at the word "Previe."

Decreta June 1615–Mar. 1616.

summoned before the Council at the instance of the Laird of Muckallis, was ordered to find caution for 3000 merks to appear as often as he should be summoned to answer complaints. Petitioner found the caution, although he is "a young gentilman without land or heritage, and not responsall or valiant the said soume." Divers persons, "thinking to draw him under inconvenientis," raise complaints against him for acts which he did not do, and charge him to appear before the Council, "resolved, gif he compeir not, to seik the executioun of the said cautioun aganis him." When he appears "thay steale frome thair complaintis"; and thus he is put to "extraordinair trouble, chairgeis, and expensis in comeing heir at the appetyte of parteis who refuisis to persew him." The petitioner, who is a "gentilman answerable and obedient to the laws," therefore craves the modification of his caution to such a rate "as is aggreable to a gentilman unlandit."—The Lords order him to find caution for 1000 merks.

Fol. 9, b.

Sederunt—Chancellor; Caithnes; Lotheane; Bishop of Caithnes; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Sir Andro Ker; Sir Petir Young. Edinburgh, 29th June 1615.

Caption against Thomas Inglis and Alexander Lauder for debt.

Complaint by M^r^ Johnne Schairp of Houstoun, advocate, that Thomas Inglis, portioner of Auldlistoun, as principal, and Alexander Lawder, elder, of Haltoun, as cautioner, remain unrelaxed from hornings of 20th and 21st June instant for not paying to pursuer 500 merks of principal and £50 of expenses.—Pursuer appearing by Archibald Douglas, macer, and the said Alexander Lawder not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses and inventory his goods for the King's use.

Order to David Ramsay, at the suit of William Durham of Grange, to restore a bridge which he has destroyed.

Complaint by Williame Durehame of Grange, as follows.—Pursuer is possessor of the Maynis of Grange and the Maynis of Lawis, together with a stone bridge over the burn of , which runs between the said mains. The bridge had been built by his predecessors a long time ago, and had been upheld by them and pursuer "for the transporte of the cornis and fulyie to and fra his landis on ather syd of the said bridge, and for thair moir commodious and reddie passing to and fra thair parroch kirk of Monyfooth." On 16th June inst., David Ramsay, son of Johnne Ramsay, "callit Blak Johnne of Pryourlethame," accompanied by his servitors, Johnne Rob and Andro Tailyeour, and other persons, violently cast down the said bridge, and "raisit, lowsit and pullit up the haill ground stanes thairof." Defenders also put up a "grite seuch hard be the bridge" and closed up the road.—Pursuer and defenders appearing personally, the Lords order the said David Ramsay "to repair and put up the said brige in als good estaite as it wes before," and "to fill up the seuchis cassin be him for staying of the passage to and fra the said brige," and that he "obtemper and obey"

Fol. 10, a.

this decree before 8th July next,—reserving to him and pursuer the right of action before the ordinary courts anent the right of way. Decreta June 1615–Mar. 1616. Fol. 10, b.

Action by James Marshall, messenger, against William Hutton and others for deforcement.

Complaint by the King's Advocate, and James Merschell, messenger, as follows:—On 26th May last, the said James passed to the "peir and schore" of Anstruther to execute a poinding at the instance of Robert Keyth, younger, burgess of Montrois, against William Huttoun, burgess of Anstruther. He "apprisit" a bark belonging to the said William, and took the sails "fra the rais of the said bark, with hir cable tow, and best ancre, and transportit the same furth of the said bark to the bulwark, of purpois to haif comprisit the said bark and furnitour." Thereupon the said William, Margaret Richartsoun, his spouse, Johnne Aliesoun, Helene Watsone, and Jonet Seveis, indwellers in Anstruther, with others to the number of 300 or thereby, attacked pursuer with staffs and stones, and so wounded him that "he is maid altogidder unable to travill for his leving." Moreover, the said Margaret Richartsoun, assisted by the others, "raif the said messingeris coit and blasone af his breist, and as yit keipis and detenis the same." Also Patrik Lorymer, one of the ordinary officers of the said burgh, came, by direction of Alexander Betoun, "ane of the ordinair deputis of the said Admiralitie," who was present, and took from pursuer Andro Andirsoun and James , two of the Admiral Depute's officers, who were helping pursuer, and so deforced the said messenger.—Pursuers being personally present, and the said Alexander Betoun, but the other defenders not appearing, the Lords assoilzie Alexander Betoun, on his oath of not guilty, and order William Huttoun, Margaret Richartsoun, Johnne Aliesoun, Helene Watsoun, and Jonet Seveis to be denounced rebels. Fol. 11, a.

Edinburgh, 30th June 1615.

Sederunt—Chancellor; Binning; President; Treasurer Depute; Kilsythe; Clerk of Register; Advocate. Sederunts. Fol. 119, a.

Taking of the Castle of Dunivaig.

"Ane missive to the Kingis Majestie acquenting his Majestie with the taking of the Castle of Dunnyvaig, and desiring his Majestie to send home the Erll of Ergyll."

To the Lord Deputy of Ireland.

"Ane missive to the Deputie of Irland desiring him to stay the Kingis shippis quhill he ressave new directioun."

Charge to the Western Burghs.

"Missive to the townis of Glasgu, Air, Irwing, Dunbartane, that thay suffer no poulder, leade, airmour, nor victuallis to be send oute of thair townis, nor to be sauld to ony suspect persone; and to furneis Auchinbrek and suche otheris as hes commissioun in this service with all thingis necessar, upoun reasounable and moderat pryceis."

Charge to the Campbell of Auchinbreck.

"Ane missive to Auchinbrek to use the haill pouer and forceis of Ergyle for defence of the cuntrey and persute of the rebellis." Fol. 119, b.

Proclamation for Argyle and Tarbet.

Proclamation for the bounds of the sheriffdom of Ergyll and Tarbett anent the pursuit of Sir James Macdonald. [See *Book of Isles.*]

Allowance to certain prisoners.

"The Lordis allowis to Capitane Masoun xiij ß. iiij đ., to Robert Witman x ß. and to everyone of the rest of the prisonnaris v ß. daylie, to be

Sederunts. Fol. 119. b. payit to thame for thair interteynment during thair lying in warde within the Tolbuithe of Edinburgh."

Minute Book. The *Minute Book of Processes* gives the following memoranda collectively for the month of June 1615:—

Imprisonment: David Shaw against Kennedy of Blarquhan.
Oppressione: Earle Cassillis against Kennedie of Blarquhan.
Rebellion: Peter Reid against Sir Johnne Wood.
Protestatione: James Douglas against Mareon Hildson.
Rebellion: George Muirheid against Johne Stewart.
Ryott: Magistratis of Aberbrothok against Alexander Ramsay.
Oppression: James Dalzeell against Andro M^cKenter, &c.
Rebellion: M^r Patrik Sandes against Sir James Kincaid.
Oppressione: Hoom of Coldingham against Hoome of Sownwood.
Petitione: Martin Shell against Johne Skinnar, chirurgion, for repayment to him of 10 ℔. he receaved for curing him.
Precognition: against Cokburn of Ormestoun and Hepborne of Aulderstone.
Rebellion: David Hay against Johne Stewart.
Assythment: Johnne Scott against the relict, bairnes, and neirest of kin of umquhile Walter Scott.
Act ordaining letteris to charge all Archbishopis, Bishopis, &c., to pay his Majesteis taxatione.
Rebellion: David Melvill against Alexander Douglas.
Rebellion: David Crichtoun against James Tennent.
Rebellion: Johne Inglis against Hew Kennedy.
Proces of violence and offer of rapt: Jean Cunyngham against Malcolme Craufurd.
Rebellione: Agnes Boyd against Hew Kennedie.
Rebellion: Alexander Bining against George Rutherfoord.
Rebellion: Robert Wilson against Lord Torthorwald.
Ryott: Johne Gilespie against Gilbert Austean.
Petitione: Sir Lauchlan M^cIntosh for exhibiting M^cIntosh of Borlum, &c., to ansuer upon oppression against Earle of Murray.
Act ordaining Sir James Stewart his infeftment of the Lordship of Ochiltrie and priviledges and honoris therto belonging to be exped conforme to his Majesteis missive to the Counsell for that effect.
Rebellion: William Fyf against William Rowan.
Ryott and oppression: Jonet Elphinstoun against William Andersone.
Ryott: Johne Galbraith against William Andersone.
Ryott: William Andersone, &c., against George Andersone.
Act ordaining letteris to be direct against the Earle Marshall and Douglas of Glenbervy.
Imprisonment: James Murdoch against Tuedy of Drumzeller.

Warrand to cite Lindsey [Lundy] of Balgonie and Leslie of Newtoune to ansuer upon the quarrellis betuixt them. Minute Book.

Act prohibiting all persones of sending thair children beyond sea to be trained up in the popish religione.

Act ordaining a commissione to be direct to the Archbishop of Glasgow for taking tryeall of the resetteris of Moffatt, a preist.

Oppression and ryott: Mr Patrik Kenny against Hary Duncan.

Act ordaining letteris to command the Magistratis of Perth to exhibit Alexander Jackson befor the Justice for slaughter.

Petitione: James Stewart of Jerusalem against the Lord Uchiltry for his intertainment in prison.

Rebellion: David Melvill against Sir David Herreis.

Rebellion: Hendry Rae against Gilbert Gardin.

Suspensione: James Baylie against Mathew Baylie.

Letteris to the Magistratis of Selkirk and Andro Ker to renew the submissione of the contraversies betuixt them.

Petitione: James Forman against Johne Stewart for delyvering to him of certane sailes.

Suspension: Donald M^{c}Angus against Hary Stewart.

Ryott: Archibald Davidson against Mathew Barnes.

Ryott betuixt Ker of Lintoun and Pringle of Blindley.

Severall actis anent the apprehension of Sir James M^{c}Donald.

Ryott: Thomas Baitie against Patrik Cranstoun.

Decreit: Johne Broun against James Straitoun.

Rebellion: Donald Arbuthnot against Arthour Erskein.

Rebellion: Johne Forrest against Edward Reddick.

Proces for wearing pistolletis: Advocat against James Haddan, &c.

Ryott: Johne Broun against James Straitoun.

Proces for a found hoord: Advocat against William Turnour.

Petitione: Johne Gordon craving diminution of the soume he is inacted for his compearance befor the Counsell.

Ryott: James Craufurd against Mr. Johne Wardlaw.

Petitione craving ane act of ratification in favouris of Sinclar, brother to the Earle Cathnes, ratifieing his apprehensione of Captan Mason, piratt.

Oppression: William Durham against David Ramsey.

Deforcement: James Mershell against William Huttoun, &c.

Rebellion; M^{r} James Sharp against Thomas Inglis.

Deforcement; Johne Layng against William Thomsone.

Ryott: Adam Gibsone against James Tuedy.

Edinburgh, 4th July 1615.

Sederunt—Chancellor; Bishop of Glasgow; Caithnes; Cranstoun; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Sir Petir Young. Decreta June 1615–Mar. 1616. Fol. 11, b.

Decreta June 1615–Mar. 1616.

Action by Helen Graham, daughter of the late Sir John Graham of Knockdolian, for liberation from her present guardianship, and leave to choose her curators.

Complaint by Helene Grahame, daughter of the late Sir Johnne Grahame of Knokdoliane, as follows.—Pursuer's father, who died during her minority, left her person and provision to the care of some of his friends. Of late some disagreement has arisen between them and pursuer's friends anent the custody of her person, "and scho hes bene coupit fra hand to hand betwix thame, and twyse exhibite before the Lordis of Secrite Counsale." On the last occasion the Lords ordered her to be delivered to Johnne Murheid of Brydanhill, who has no claim to be her guardian, since he is not of kin to her either on the father's or on the mother's side. Shortly after her going to his house, he, forgetful of the injunctions of the Council concerning the care of her person and estate, arranged with James Murhead of Lachop that she should be married to the latter's bastard son, Arthour Murhead, who has no means whatever. In June last the said Johnne falsely pretended he would send her to George Campbell of Kellok, her brother-in-law, but caused her to be

Fol. 12, a.

taken by the said Arthour to the house of the said James Murhead, elder, and James Murhead, younger, of Lachop, where she was kept for some time. She was thereafter carried off by the said Arthour towards England, where she was to have been married by "some preist or uther kirkman" to the said Arthour. Some of the justices of the peace, being advertised of the matter, relieved her, and sent her back to Brydanhill. She is now kept in close confinement there, and is refused conference with any one who "profesis hir good will." Pursuer, who is "past the yeiris of minoritie, and now about the hinder end of the fourtene yeir of hir aig," craves her liberty, and freedom to nominate her curators.—George Campbell of Killoch appearing for pursuer, and Johne Grahame of Killerne and Johnne Murheid of Brydanhill appearing

Fol. 12, b.

personally, but the said Arthour Murhead not appearing, the said Johnne Grahame admitted he had the said Helen in his house, and said he could not exhibit her, as she was sick and was very weak "inrespect of hir cariage to and fra Edinburgh twa sindrie tymes bigane." This he verified by a "testimoniall," signed by M^r James Sterling, minister at Strablane, James Stewart, minister at Campsie, and M^r James Gillespie, minister at Killerne. He is a kinsman of the said Helene, and is bound in duty, as well as by the advice of her chief, the Earl of Montrois, to "foirsie the best occasioun for hir weele." The said Johnne Murheid of Brydinhill "purgit him selff of the taking away of the said Helene." —The Lords, understanding the said Johne Grahame to be "ane gentilman of ane honnest and upricht dispositioun," order him to keep the pursuer in his company till she choose her curators; "and thay think it verie expedient for the said Helene hir weile that scho mak choise of Grahame of Inchebraky, James Murheid of Lachop, the said Johnne Grahame, Johnne Murheid of Brydanhill, and George Campbell of Killoch, to be hir curatoris," and appoint the 18th of July next for choosing the said curators. The said Johnne Grahame promised that the Laird of Inchebraky would be present on that day to accept the

office of curator. The Lords further order the said Arthour Murhead to be denounced rebel. Decreta June 1615-Mar. 1616.

Dispute between Earl Marischal and Douglas of Glenbervie as to a right of peat-casting.

The Lords have been informed that there is "grite appeirance of trouble and unquietnes" between George, Earl of Marschell, and Sir Robert Douglas of Glenbervie, anent the "casting of peitis in the mosse of Margye *alias* Blackisnoble," which is claimed by both parties.—The said Earl appearing by M^r George Fraser, his procurator, and the said Sir Robert Douglas of Glenbervie appearing by Douglas, his eldest son and heir apparent, the Lords remit the question of right to the ordinary courts, and allow both parties to "cast" and "wyn" peats as formerly without molesting each other, but with caution, the former for 5000 merks, the latter for 3000 merks. The young Laird of Glenbervie is not to depart from Edinburgh till he find the said caution for his father; and, as the Earl is not present, the caution for 10,000 merks lately found by him is to stand in force till the new caution be found. Fol. 13, b.

Gavin Hamilton of Roploch denounced, at the suit of Lockhart of Cleghorn, for illegal release of a prisoner.

Complaint by Allane Lockart of Cleghorne, as follows:—Chancellair, younger, of Scheilhill, having remained unrelaxed from a horning for not fulfilling the contract made with him, the latter obtained a warrant for his apprehension and the seizing of his houses. In April last, David Ramsay, one of the Guard, went to the house of Roploche, and apprehended the said Chancellair. Whereupon Gawne Hammiltoun of Roploch, with others in the said Gawne's house, attacked the said David, and "perforce took the said rebell af his hand and put him to libertie."—Pursuer appearing personally, and defender not appearing, and the said Chancellair, younger, not having been exhibited, the Lords order Gawin Hammiltoun to be denounced rebel.

Edinburgh, 6th July 1615.

Sederunt—Chancellor; Bishop of Glasgow; Caithnes; Lotheane; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsaythe; Medop; Sir Peter Young; M^r George Young. Acta Mar. 1615-Aug. 1617. Fol. 10, a.

Exoneration to Sir Gideon Murray, Treasurer-Depute, for the delivery to Sir Alexander Hay, Clerk of Register, of certain enumerated documents, appertaining to the affairs of Sir John Arnott, the Earl of Moray, and others.

"The quhilk day Sir Gedeone Murray of Elibank, knight, Deputie Thesaurair, declairit to the Lordis of his Majesteis Previe Counsell that he had delyverit to Sir Alexander Hay of Quhyteburgh, knyght, Clerk of his Majesteis Register, the particulair letteris and writtis underwrittin, to the effect the same might be putt and keept in his Majesteis Register House within the Castell of Edinburgh:—to witt, ane infeftment grantit be the Kingis Majestie under the grite seale to Sir Johnne Arnott, knight, of the landis of the erldome of Orknay and lordship of Zetland, proceiding upoun ane comprising of the said erldome and lordship lauchfullie and ordourlie led be the said Sir Johnne, of the date the auchteene day of Februar the yeir of God j^m vj^c and fyfteene yeiris; ane precept of seasing upoun the said infeftment, of the day and daite of the afoirsaid infeftment; twa instrumentis of seasing, the one thairof

Acta Mar. 1615–Aug. 1617.

doublit, gevin to the said Sir Johnne according to the said precept, of the daite the xxvij day of Februair j^{m}vj^{c} and fyfteene,—whairof the ane is subscryved by David Hairt and James Jak, notaris, and the other by David Hairt only; ane generall discharge gevin to the said Sir Johnne upoun the soume of three hundreth thowsand pundis for his surrender of his right of the Erldome of Orknay and Lordship of Zetland, daitit at Restalrig the xxiij day of May j^{m}vj^{c} and xv, and registrat in the bookis of Counsell the first of Junij 1615; ane procuratour of resignatioun of the erldome of Orknay and lordship of Zetland maid be the said Sir Johnne for surrender and resigning of the same in his Majesteis handis *ad perpetuam remanentiam*, daitit the xv day of Marche j^{m}vj^{c} and xv yeiris, and registrat in the bookis of Counsaill the xviij of Aprile 1615; ane instrument upoun the said resignatioun, daitit the xv of Marche 1615, under the subscriptioun of Adam Lawtie, notar publict; ane speciall summondis of declaratour at the said Sir Johnne his instance as donatour to the eschete of the laite Erll of Orknay; sax pair of lettiris of hoirning, poinding, and arrestment upoun the said gift of escheit; tua severall paperis contening some of the executionis of the saidis lettiris; ane procuratorie of resignatioun maid be the Erll of Murray for resigning of the customes of Spay in his Majesteis handis, daitit at Edinburgh the first day of Aprile 1615, and

Fol, 10, b.

registrat in the bookis of Counsell the 15th day of the same moneth; ane instrument upoun the said resignatioun, daitit the thrid day of Aprile j^{m}vj^{c} and xv yeiris, under the subscriptioun of Adam Lawty; ane discharge gevin be the Erll of Murray to the ressavearis of his Majesteis Rentis upoun the soume of xxiiij^{m} merkis payit to him for his surrender and resignatioun of the saidis customes, contening alsua a promeis to forbeare forder intermissioun with the saidis customes fra November 1614, daitit the first of Aprile 1615, and registrat the 18th of Aprile the same yeir; ane procuratorie maid be Williame Shaw for surrender of his pensioun, daitit at Quhytehall the 27th of Februar 1615, and registrat the penult of Marche that same yeir; ane instrument upoun the said surrender, daitit the penult of Marche 1615, under the subscriptioun of Archibald Hamiltoun, notar publict; and the said Williame his gift of the pensioun cancelled. And, the said Sir Alexander Hay being demandit be the saidis Lordis yf he had ressavit the writtis and lettiris abonewrittin frome the said Deputye Thesaurair, he in presence of the saidis Lordis grantit the ressett of the same, and that he had putt the same in his Majesteis Register within the said Castell of Edinburgh. In respect whairof the saidis Lordis exoneris and dischargeis the said Sir Gedeone Murray, Deputie Thesaurair, of the lettiris and writtis particularlie abonewrittin, and declairis that he in delyvering of the same to the said Clerk of Register, to be kept in his Majesteis Register House, hes done his dewytie as become him to do in this caise."

Decreta June 1615–Mar. 1616.

[Sederunt as above, but without the name of Mr. George Young.] Edinburgh, 6th July 1615.

Caption against Sir Harry Lindsay of Carreston for debt.

Complaint by James Saltoun, merchant, burgess of Edinburgh, and Katherine Tulloch, his spouse, that Sir Harie Lindsay of Carrestoun remains unrelaxed from a horning of 18th August 1614 for not paying to pursuers £3000 of principal and £300 of expenses.—Pursuers appearing by Mr. Johnne Rollok, their procurator, and defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta June 1615–Mar. 1616. Fol. 14, a.

Action by the Treasurer Depute against Robert Pursell and others for illegal export of skins.

Complaint by Sir Gedeone Murray of Elibank, knight, Treasurer Depute, as follows:—"Albeit the transporte of shorling skynnis be prohibite and dischairgit be divers actis of Parliament maid be his Majestie with advise of his Estaitis, notwithstanding it is of treuth that the saidis shoirlingis ar verie frequentlie transported be a nomber of personis." The pursuer "hes discoverit a grite nomber of the saidis skynis pertening to Robert Pursell, merchant, burges of the burgh of Edinburgh, lyand upoun the schore of Leyth reddy to be schipped"; also that Mathew Poole, James Aitkine, Thomas Clerksoun, Johnne Ramsay, and Williame Kinzeane have within the past 8 days transported a great many "schorling skynnis," and have some now lying at Leith ready to be shipped.—Pursuer appearing personally, and all the defenders appearing personally, except Matthew Puile, who appeared by his spouse, the said Robert Pursell "grantit and confest that he had some skynis lyand upoun the schore of Leyth, quhilkis wer lauchfull wairis and merchandice, and quhairof he had payit the custome; and the said Mathew Puillis wyff grantit and confest that hir housband had certane skynnis lyand upoun the schore of Leith, sic as lamb skynnis and fute faillis, and denyit that thair wes ony schorelingis amangis thame; and the said Thomas Clerksoun grantit that he had twa packis of skynnis lyand in Leith, bot denyit that thair wes ony shorlingis amangis thame; and the saidis Johnne Ramsay and William Kinzeane denyit the haveing of ony schorling skynnis; and the said James Aitkin grantit and confest that, he being this lang tyme out of the cuntrey and being ignorant of the law, he laitlie bocht fourty schorling skynnis, quhilk he wes myndit to haif transportit."—The Lords give commission to Johnne Diksoun, William Thomesoun, and Johnne Craufurd, fleshers, burgesses of Edinburgh, or any two of them, to go to Leith, "to visie and sicht the packis of skynnis" belonging to the said parties, and to report to the Council. Fol. 14, b. Fol. 15, a.

Caption against William Middlemest for debt.

Complaint by Issobell Bowmaker, and Adam Turnble, Tutor of Wowlie, her spouse, for his interest, that William Middlemest of Lillislie Chapell remains unrelaxed from a horning of 12th June last for not paying to pursuer £96 of principal and £20 of expenses.—Pursuer appearing personally, and defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 15, b.

Caption against James Tennent of Lenhouse for debt.

Complaint by Captain William Douglas, that James Tennent of Lenhouse remains unrelaxed from a horning of 30th June last for not

Decreta June 1615–Mar. 1616.

paying pursuer 1000 merks of principal, together with 100 merks of expenses.—Pursuer appearing personally, and defender not appearing, there is order to the Captain of the Guard as above.

Fol. 16, a.

To denounce James Mac-Caskie for assault.

Complaint by Nicoll Rowane of Bandrum, as follows:—On Sunday 18th June, when pursuer was coming from the kirk of Saling after sermon to his house in Bandrum, James McCaskie, servitor to Andrō Wardlaw of Torrie, followed the pursuer on horseback by direction of William Coilyeour in Scheredrum, and Robert Schortus in Saling, and, having overtaken him "at the bak of his awne yaird," set upon him with a drawn sword and wounded him seriously on the head and in other parts.—Pursuer appearing personally, and the said William

Fol. 16, b.

Coilyeair and Robert Schortous being also present, but the said James McCaskie not appearing, the Lords find the charge not proven, and assoilzie the said William Coilyeair and Robert Schortus; and they order the said James McCaskie to be denounced rebel.

Suspension of horning against Gavin Hamilton of Raploch.

Complaint by Gawin Hammiltoun of Raploch, as follows:—Letters of horning have been directed against pursuer at the instance of Allane Lokhart of Cleghorne for not appearing before the Council to answer the charge of an "alledgeit taking af the handis of David Ramsay, ane of his Majesteis Guard, Johnne Chancellair, appeirand of Schilehill" (*ante*, p. 354).

Fol. 17, a.

Pursuer was charged to appear on 13th day of June last. He came to this burgh; but the Captain of the Guard, "pretending to have some interesse" in that matter, "delt with said complenair that he wald tak some ordour and gif satisfactioun . . by entrie to him of the said Johnne." Pursuer agreed, and gave his band to exhibit the said Johnne on the 4th of this month. Pursuer came here on that day, and "had the man reddy to present; bot, finding the Capitane of the Guard to be absent, and nawyse looking that the said Allane wald haif insisted ony forder in the persute of that complaint, the said complenair negligentlie foryet to gif his compeirance, thinking that his exhibitioun of the man sould haif bene a sufficient exoneration." Pursuer is willing to present the man this day, and has found caution for 1000 merks to do so.—Pursuer and defender appearing personally, the Lords suspend the process of horning for the above reasons, and because pursuer has sworn that the charge against him is not true.

Sederunts. Fol. 119, b.

Angus Oig and his accomplices.

"That Angus Oig and his complices be putt to ane assyise."

Acta Mar. 1615–Aug. 1617.

Edinburgh, 11th July 1615.[1]

Fol. 10, b.

Sederunt—Chancellor; Bishop of Sanctandrois; Caithnes; Lotheane; Binning; Bishop of Ros; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk

[1] On the 8th of July Angus Oig Macdonald, and five of his accomplices,—viz. Allaster McAllaster, Angus McAllaster, Allaster McAllaster, John McCondochie, and John Gair McMoylane,—were hanged at the Market Cross of Edinburgh, having been found guilty, on their trial in Edinburgh five days previously, of the treasonable keeping of the Castle of Dunivaig in Islay, and resisting the Laird of Caddell, his Majesty's Lieutenant, in his efforts for its recapture. See *ante*, p. 29°, and p. 331; also Pitcairn's *Criminal Trials*, iii. 363–370.

of Register; Advocate; Kilsaythe; Medop; Bruntyland; Sir Peter Young; Mr George Young. Acta Mar. 1615-Aug. 1617.

Sir William Alexander admitted a member of the Privy Council.

"The quhilk day the Lordis of Secreit Counsaill, according to ane warrand and directioun in write send unto thame and signed be his Majestie, ressavit and admittit Sir Williame Alexander, knight, [to be] one of the ordinair Prevey Counsaill of this kingdome, and to injoy all honnouris, digniteis, previlegeis, and immuniteis whilk ony other counsellour by [verteu] of the said place enjoyeth. And, the said Sir Williame being personalie present, and acknowlegeing his Majesteis gratious favour showin unto [him in the pre]ferring and advanceing of him to this heigh estate of honnour and [dignitie], he, with all dew reverence, upoun his knees, his hand lyand upoun [the] holie evangell, maid and gaif his solemne oathe of alledgeance, and the oathe of a Prevey Counsellour."

"Followis his Majesteis missive for the warrand of the act a[bone-writtin].—Right trustie and weilbelovit cosine and counsellour, and trustie and weilbelovitt counsellouris, we greete you weele. Haveing Fol. 11. a. sufficientlie undirstoode the qualificatioun and sufficiencie of Sir Williame Alexander, knyght, Master of Requeistis to us for oure kingdome of Scotland, and of his inclinatioun and affectioun to oure service, we haif thoght goode to promove him to oure Previe Counsell of that oure kingdome. It is thairfoir our pleasour that you minister unto him the oathe accustomed in the lyke caises, and admitt him as ane of the ordinair nomber of oure Previe Counsell, to injoy all honnouris, digniteis, previlegeis, and immuniteis whiche ony other oure counsellour by verteu of the said place enjoyeth; for doing whereof these presentis salbe unto you a sufficient warrand. So we bid you hairtelie fairweele. At oure courte at Whytehall, the first day of July 1615."[1]

[1] As this is the first distinct introduction into Scottish political life of a man of so much celebrity, all in all, in the Scottish politics of his time, and also in Scottish literary history, as Sir William Alexander of Menstrie, afterwards Viscount Stirling, and ultimately Earl of Stirling, the following particulars of his career to the present point may be convenient:—Born in 1580, at Menstrie in Clackmannanshire, he had been educated partly at the University of Glasgow and partly abroad. On his first return from his foreign travels, he had published at Edinburgh in 1603, in what was considered among the Scots of that day the new literary English, and in rhyme, a *Tragedy of Darius*. Following the King to England in that year, and attached to the Court of the young Prince Henry, he had published in London in 1604 three more specimens of his powers in English verse, entitled respectively *A Paræsis to Prince Henry*, *Aurora, containing the first Sonnets of the Author's youth*, and *Tragedy of Crœsus*,—this last annexed to a reprint of his *Tragedy of Darius*. In 1605, he published a third rhymed tragedy called *The Alexandrian Tragedy*; and in 1607 a fourth, called *Tragedy of Julius Cæsar*, at the same time collecting his four tragedies under the general title of *Monarchic Tragedies*. By these various poetical performances he had acquired a higher distinction than any other London Scot in the literary society of the Metropolis, and had become well known to Ben Jonson, Drayton, and other chiefs of that society. On the death of Prince Henry, in the end of 1612, he had published a tribute to the virtues of that Prince, and to his own intimacy with him, in *An Elegie on the Death of Prince Henrie*: of which, for the behoof of the Scottish lieges, there was an Edinburgh edition from the

Decreta June 1615-Mar. 1616.

[Sederunt as recorded above.]

Edinburgh, 11th July 1615.

Fol. 17, b. Complaint by Johnne Johnnstoun in the Lie, that, on a certain day of this month, while he was in the burgh of Peblis, he was assaulted by William Horsburgh, son of the Laird of Horsburgh, armed with a sword, &c., and was seriously wounded in the head and other parts to the great loss of blood.—Pursuer appearing personally, and defender not appearing, there is order to denounce the defender rebel.

To denounce William Horsburgh for assault.

Fol. 18, a. Complaint by Alexander Lawder of Haltoun, that Thomas Inglis, portioner of Auldlistoun, remains unrelaxed from a horning of 26th June last for not relieving him at the hands of Mr Johnne Schairp of Houstoun, advocate, anent the payment of 500 merks of principal and £50 of expenses.—Pursuer appearing by James Lawrestoun, his procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Thomas Inglis at the suit of Lauder of Halton.

Fol. 18, b. Complaint by Waltir Cokburne, now in Sconye, as follows:—James Sibbald in Pitcorthie, Johnne Sibbald, "sojoure," Thomas Sibbald, tailor, and William Sibbald, servant to the said James, all unknown to

Complaint by Walter Cockburn against James Sibbald and others for molestation.

shop of Andro Hart in the High Street, simultaneously with Drummond of Hawthornden's poem on the same subject, issued from the same shop, under the title *Teares on the Death of Mœliades*. Not till 1614, however, did Drummond and Alexander become personally acquainted with each other. In that year Alexander, who had meanwhile passed into the household service of the new heir-apparent, Prince Charles, as gentleman-usher, and had also received the honour of knighthood, paid a visit, with Lady Alexander, to Scotland—possibly on business connected with that partnership of his in the silver mines of Hilderston, of which there is a notice in this volume, *ante*, p. 15, under date 17th March 1613; and it was in the course of that visit, at his paternal seat at Menstrie, that Drummond first met him. From that moment Drummond, who was five years the junior of Alexander, was bound to him by an attachment stronger than he seems to have felt for any other man, and which lasted as long as both lived. "That most excellent spirit and rarest gem of our North, Sir William Alexander," are Drummond's words in a letter describing their first meeting; and he adds—"I esteemed him, before I was acquainted with him, because of his works; but I protest henceforth I will esteem his works because of his own good, courteous, meek disposition." In this visit of 1614 Alexander showed to Drummond the manuscript or proof sheets of another work of his, which he meant to be his greatest performance,—to wit, *Dooms' Day, or the Great Day of the Lord's Judgment*,—a long poem of twelve books in rhyming stanzas; and that same year it was published in Edinburgh by Andro Hart. From 1614 onwards the friendship between Drummond and Alexander was kept up by correspondence, but also by meetings whenever Alexander chanced to come to Scotland on business or pleasure. These visits seem to have been pretty frequent,—once a year at least. There is a letter from Alexander to Drummond, dated London, April 12, 1615; and the present entry in the Register shows that, only two months after that date, Alexander was again in Scotland personally, and on no less important an errand than that of being admitted a member of the Scottish Privy Council. In fact, though he never ceased to cherish his literary reputation, and to make additions from time to time to the large quantity of verse he had already published,—verse of a stately and fluent, but feeble, kind, remembered now by literary antiquaries rather than read or capable of being read,—it is from about this point that he enters on that busy political career which was to make him so familiar a personage to his countrymen as Viscount and Earl of Stirling, projector of the Nova Scotia colony, and what not else, and which was to collapse at last in the troubles of the reign of Charles I.

pursuer, who has never had dealing with them, "verie cruellie and malitiouslie do seik the said complenaris lyff, intending, as he conjectouris, by thair threatningis and swaggering, to force and compell him to buy thair peace, and outher to gif thame some present money in hand, or than to pay thame blakmaill yeirlie—a forme of doing most detestable and odious to be hard of in a cuntrey subject to a King, law, and justice." On a certain day when pursuer was standing in the barnyard of Scony, the said James Sibbald, "with his rapper in his hand," came to pursuer (it "being the first tyme that evir he did sie him"), and, drawing his weapon half out, threatened to take his life. On Sunday 25th June last, which was the day of pursuer's marriage, the said Johnne, Thomas, and William Sibbald came, by order of the said James, about nine at night, "armed with lang staulffis, swerdis, plaitslevis, and uther armour," to pursuer's house in Scony, where a number of friends was assembled. After supper pursuer went out of his house to his sister's house, who lived near. "The saidis personis in the meantyme enterit within his cloise in a grite raige and furie, schoring, bragging, and avowing to haif his lyff, and to hald him out of his house; and thay had not faillit to haif attempted some detestable deed aganis the said complenair, wer not some gentilmen in his house moved thame to be quiet for the tyme." About four in the morning they came again to his house, and "maid a new brag." On the next Sunday (July 2nd) the said Johnne and Thomas went to the kirk of Scony "in tyme of sermone," where pursuer was sitting in a "dask," and made a "verie grite commotioun and trouble within the kirk, preissing to haif schote him out of the dask, to the grite greif of the minister, and of the haill congregatioun present. And, the sermone being endit, and the congregatioun dissolvit, thay sat doun in the dask, resolved, gif the said complenair had come to the kirk in the efter none, to haif persewit him of his lyff, quhilk being persavit be the minister and elderis, thay stayed the efter nones preitching."—Pursuer appearing, "who past fra the said James Sibbald," and the said William Sibbald being the only defender present, the Lords assoilzie the said William on his own oath, and order Johnne and Thomas to be denounced rebels.

Decreta June 1615-Mar. 1616. Fol. 18, b.

Fol. 19, a.

Edinburgh, 13th July 1615.

Sederunt—Chancellor; Bishop of St. Androis; Caithnes; Kinghorne; Lotheane; Binning; Bishop of Ros; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Clerk of Register; Kilsyth; Medop; Bruntiland; Sir Petir Young; Sir William Alexander; Mr. George Young.

Decreta June 1615-Mar. 1616. Fol. 19, b.

Caption against John Wishart of that Ilk for debt.

Complaint by James Harper, merchant, burgess of Edinburgh, that Johnne Wischart of that Ilk remains unrelaxed from a horning of 11th March last for not paying to pursuer 600 merks of principal and 100 merks of expenses, and also 800 merks.—Pursuer appearing by Archibald

Decreta June 1615-Mar. 1616.

Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 20, a.

Obligation by the Earl of Tullibardine for relief of the keepers of Edinburgh Castle.

This day appeared William, Earl of Tullibardin, and "actit and obleist him and his airis to warrand and releve the capitane, constable, and keipairis of the Castell of Edinburgh" of all action and penalty for release of Lauchlane M°Intosche of Dunnauchtane "aganis the tennour of the deliverance gevin be the Lordis of Secrite Counsaill upoun the secund day of November 1613, at the instance of Johne Forbes of Boquhen, for him selff and as maister, with the remanent kin and freindis, of umquhill George Stratoun, his servand."

To denounce James Home for assault on Robert Boswell.

Complaint by Robert Boiswall, servitor to Robert Bruce of Blairhall, as follows:—About nine o'clock on the night of 20th April last, while pursuer was going from Dunfermling towards his master's house in Culrois, "rydand upoun ane litle naig, and haveing ane uther man rydand behind him upoun that same horse," James Home, son of Mr William Home, minister at Crombie, and Robert Home, his brother, "bodin in feir of weir,—the said James haveing ane swerd and the said Robert haveing a grite kent staulf in his hand,"—made a fierce attack on pursuer: "and the said James with a drawne swerd gaif the said complenair twa deidlie woundis on the head, before he could licht frome before the uther man who red behind him; and, in the lichting haveing fallin to the ground, the said James Home gaif him uther thrie deidlie woundis in the bak with the said swerd, and the said Robert with the said kent gaif him uther thrie"; and they left him for dead.—Pursuer appearing personally, and the said James Home not appearing, the Lords order defender to be denounced rebel.

Fol. 20, b.

Act in favour of Josias Stewart, relieving him from a caution.

Petition to the Lords of Council by Josias Stewart of , as follows:—"The saidis Lordis rememberis how, at that tyme quhen the Erll of Cassillis and Laird of Bargany wer put undir cautioun for keiping of his Majesteis peace the one with the other, the said supplicant proponit sindrie difficulteis unto the saidis Lordis quhairfore he could not be tane cautioun in that mater, especialie becaus he wes ane of the curatoris, and in that regaird could gif no releif of him, seing he could not consent as curatour to his awne releif; and the said supplicant flatlie refuisit to be cautionair for him quhill be had the saidis Lordis promeis that, gif the said supplicant fand the Laird[is] of Balbeginoch, Lochnoreis or Girvane Manes, or ony ane of thame, cautionaris in his place, that he sould thairefter be frie of the said cautionarie." On the Lords giving their promise, the petitioner "actit" himself with Lord Uchiltrie as cautioner for the laird of Bargany. He has now brought here the Laird of Girvane Maynis, who is willing to take his place. Petitioner therefore desires the Lords to receive the caution of the Laird of Girvane Maynis in place of his own.—The Lords grant petition, and exoner the said Josias Stewart.

Sederunts. Fol. 120, a.

13th July 1615. The Laird of MacIntosh.

"The quhilk day M°Intoshe compeirit befoir the Counsell for satisfactioun of the actis quhairby he wes oblist to that effect; and Robert

Dumbar of Burgy in name of the Erll of Murray grantit the act in that point tuitcheing the exhibitioun of the fyve rebellis to be satisfeit." [See *Book of Isles* under this date.] Sederunts.

Edinburgh, 15th July 1615.

[Sederunt not recorded].

Acta Mar. 1615–Aug. 1617. Fol. 11, a.

Charge to the Earl of Perth and Lord Livingston.

The Lords of Council understanding that there is "grite appeirance of trouble and unquietnes lyke to fall oute betuix Johnne, Erll of Perthe, on the ane pairt, and Alexander, Lord Levingstoun, on the other pairt, anent the marcheis of the landis lyand within Menteith, the one pairty intending to mak some novatioun, whilk the other pairty is resolvit to withstand and resist," there is order to charge both parties to appear before the Council on to underlie order in the matter.

Edinburgh, 18th July 1615.

Sederunt—Chancellor; Bishop of Sanctandrois; Hamiltoun; Mar; Caithnes; Lynlythqw; Kinghorne; Abircorne; Bishop of Ros; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsayth; Medop; Bruntyland; Sir William Alexander; Sir Peter Young; M^r George Young.

Act appointing the new kirk of Mouswald to be the kirk for the united parishes of Daltoun and Mouswald, notwithstanding the Act of Parliament appointing Nether Daltoun to be the place.

"Forsamekle as, althoght by ane act of Parliament maid for uniting of some parrocheis in Annanderdaill it wes providit that the tua parrocheis of Daltoun and Mouswall sould be united, and the place quhairat the parrochionaris sould meete sould be the kirk of Nether Daltoun, as a place thoght most commodious, and quhair it wes expectit that a kirk sould soonnest haif beene buildit, nevirtheles thair is no kirk as yitt biggit at Nether Daltoun; bot thair is a new kirk biggit at Mouswall, haveing all commodityis and easementis for ressaveing of the parrochionaris of the saidis twa parrochynnis; and seeing it is no ressoun that in this meantyme, quhill the kirk of Nether Daltoun be buildit, the exercise of the worde and ministratioun of the sacramentis within the saidis tua parrocheis sould cease:—Thairfoir his Majestie, with advise of the Lordis of his Secreit Counsell, hes ordanit, and be the tennour of this present act appointis and ordanis, the kirk of Mouswall to be the place for meeting of the parrochionaris of the saidis twa parrocheis for heiring of the worde and ressaveing of the sacramentis in all tyme heirefter, ay and quhill ane commodious kirk be biggit at Nether Daltoun; and ordanis lettiris to be direct to mak publicatioun heirof, be oppin publicatioun at all placeis neidfull, quhairthrou nane pretend ignorance of the same, and to command and charge the parrochionaris of the saidis twa parrocheis to convene and meete at the kirk of Mouswall everie Sonday for preatcheing and prayeris and ressaveing of the sacramentis as occasionis offereth, as thay will answer upoun the contrarie at thair perrell." Fol. 11, b.

Follows his Majesty's missive letter for the warrant of the above act.

Acta Mar. 1615–Aug. 1617.

The preamble is substantially as in the act itself; after which the missive runs thus:—"We haif thoght goode that the kirk of Mouswall be heireftir the place for meeting of the parrochynnaris of the saidis parrocheis. And, to that effect, yf it salbe neidfull, or salbe desirit be the minister of the parroche, or bischop of the diocese, you sall grant lettiris chargeing the parrochionaris to meete and convene at the said kirk of Mouswall everie Sonday for prayer and preatcheing and ressaveing of the holie sacramentis as occasioun offereth till we in a Parliament of oure Esteatis caus the [tennour] of the foirsaid act to be amendit. Whiche recommending to your speciall cair, we bid you fairweele. At oure mannour of Greenewiche, the 27 of May 1615. To our right trustie and weilbelovit counsellour the Erll of Dunfermling, our Chancellair, and to the remanent Lordis and otheris of our Previe Counsell in our kingdome of Scotland."

Fol. 21, a.

[Sederunt as recorded above.]

Edinburgh, 18th July 1615.

Act in favour of the magistrates of Kirkcudbright, giving them licence for an impost for the support of their harbour.

Petition by the provost, bailies, and council of the burgh of Kirkcudbricht, as follows:—The Commissioners of the Burghs, at their Convention in Sanctandrois on the 7th of July instant, understanding that the town is "now become verie poore, be ressoun that the harborie of the said town is decayit," granted licence to petitioners to "impetrat" an impost of 20s. of every "schip, bark, crear or boit that arryveis within the libertie of the said burgh, to be tane ance in the yeir allanerlie for the space of sevin yeiris." Petitioners therefore crave the necessary authority.—The Lords grant the petition, according to the terms mentioned.

Fol. 21, b.

Act in favour of the town and parish of Clatt in Aberdeenshire, changing the market-day there from Tuesday to Friday.

Petition by the inhabitants of the town and parish of Clatt in the sheriffdom of Abirdene, as follows:—James IV. had "erectit the toun and village of Clatt in ane burgh of barony, with previledge to sell and by within the same wyne, walx, and uther merchandice, and to keip ane ordinair mercat day oulklie upoun the Twisday." The privileges and liberties, "especialie that anent the oulklie mercat day, is in a maner become in dissuetude, and the said toun, reportis no kynd of commoditie nor benefite by that mercat day; and specialie the saidis supplicantis ar prejudgeit of that benefite quhairof thay and the cuntrey about thame standis in gritest neid, to witt, of fischeis,—becaus the said toun is distant from the sea xxiiij myllis, and, as the saidis Lordis knawis, thair is no taking of fische upoun the Sonday, and these that ar tane upoun the Monanday cannot in dew tyme be brocht to the mercat of the said town upoun the Twysday; wheras, gif the mercat of the said toun wer haldin upoun ony uther day, the saidis supplicantis and the cuntrey about micht be weile providit of fischeis." Petitioners desire that Friday be appointed to be the market day.—The Lords change the market day as requested, and order proclamation of the same to be duly made.

Charge to certain Shires.

A proclamation for the Sheriffdoms of Air, Renfrew, Dunbartane, But, Ergyll, Tarbett, and Innerness to be in readiness for the service in the Isles. [See *Book of Isles* under this date.] Sederunts. Fol. 120, a.

Letter to the King.

"Ane missive to his Majestie showeing that the haill Counsell in ane voce thinkis meete that nane salbe subject to this service bot these within Ergyll and Tarbert." Fol. 120, b.

Letters from the Lord Depute of Ireland.

"Tua missives frome the Deputie of Yrland to the Counsell,"

Certain resetters of the Clan Gregor committed to ward.

"The Laird of Grant exhibite Johnne M^cEane V^cConeill Glash in Calinoill, Johne Narne in Lethintie, Johnne Beg M^cInroy in Benchoyll, Gregour M^cConnochie V^cAllaster in Mukro, Ferquhar M^cEane Voir in Lenchyle, as being at the horne for the fynes of the Clangregour; and the saidis fyve personis wer committit to warde in the Tolbuithe of Edinburgh; and the Laird of Grant wes exonerit of exhibition off thame for the caus."

Edinburgh, 20th July 1615.

Sederunt—Chancellor; Bishop of St. Androis; Mar; Linlithqw; Kinghorne; Lotheane; Blantyre; Binning; Bishop of Ros; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Sir William Alexander; Sir Petir Young; M^r George Young. Decreta June 1615 Mar. 1616. Fol. 22, a.

Band of exile by James Stewart, called "of Jerusalem."

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie James Steuart, callit of Jerusaleme [*ante*, p. 318 and p. 327], and actit and oblist him that, within the space of twentie dayis after the dait heirof, he sall depairt and pas furthe of his Majesteis dominionis, and nevir returne agane within the same, without licence of his Majestie had and obtenit to that effect, under the pane of deade." Acta Mar. 1615–Aug. 1617. Fol. 12, a.

Suspension of horning against Matthew Barns.

Complaint by Mathew Barnis, merchant, burgess of Edinburgh, that he has been put wrongously to the horn by Archibald Davidsoun for not appearing to answer a charge of assault (*ante*, p. 343). Pursuer was never lawfully summoned; else he would have appeared willingly and purged himself of the said complaint. He had found caution for 500 merks to appear this day.—The Lords suspend the process of horning till the principal letters of horning be produced, of which pursuer shall have due warning. Decreta June 1615-Mar. 1616. Fol. 22, a.

Act for the liberation of George Johnston, a prisoner in the Tolbooth of Edinburgh at the suit of David Wilson.

Complaint by George Johnnstoun. as follows:—David Wilson, potter in the Pottirraw, having alleged that he "perseuit him of his lyff," obtained a summons for pursuer's appearance before the Council, and, when pursuer did not appear, obtained letters charging him to enter his person within the Tolbooth of Edinburgh. For obedience, pursuer entered therein, and has remained there "maist miserablie" for five or six weeks past. Nevertheless the said David "hes not, nor can not, qualifie that he hurte him. And, seeing the said complenair hes undirlyne sufficient punischement for ony offence done be him to the said David, reasoun and equitie Fol. 22, b.

Decreta June 1615–Mar. 1616.

wald that the said complenair wer put to libertie."—Both parties appearing personally, the Lords order the Provost and Bailies of Edinburgh to put pursuer to liberty, because it was found that an alleged assault in June last "proceidit upoun the said David his awne provocatioun, and that thair was no hurte nor skaith done unto him," and because "the said George is a poore man, and hes not the moyne to interteny him selff ony langer in waird."

Fol. 23, a.

Caption against James Duncan and others, at the suit of Mr Jerome Innes.

Complaint by Mr Jerohome Innes, minister at Fyvie, that James Duncane in Newbarnis of Reidcastell, James Cletoun in Yrvinshill, Robert Strauchane of Croftis, William Kynneir in Reidfurd, Johnne Williamsoun in Grange of Conan, and Andro Speid in Tillihoitt, remain unrelaxed from a horning of 3rd June last for not paying to pursuer £6, 13s. 4d. for each boll of victual specified in the letters of horning, and £10 of expenses.—Pursuer appearing personally, and defenders not appearing, there is order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Fol. 23, b.

Caption against John Reddick of Dalbatie for debt.

Complaint by Jonet, Issobell, and Katherine M^cKnaucht, daughters and executors of the late Rodger M^cKnaucht, merchant, burgess of Edinburgh, and William Speir, spouse of the said Jonet, James Cochrane, spouse of the said Issobell, and Johnne Power, spouse of the said Katherine, merchants, burgesses of Edinburgh, for their interest, that Johnne Redick of Dalbatie remains unrelaxed from a horning of 1st August 1607 for not paying to the late Roger M^cNaucht 600 merks, £16 for 4 stones of lint, £7 of borrowed money, £10 of expenses, and 40s. for collector's silver.—Pursuers appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 24, a.

Caption against Hew Maxwell of Teling for debt.

Complaint by William Carnegy, skinner, burgess of Edinburgh, that Hew Maxwell of Teling remains unrelaxed from a horning of 28th October 1614 for not paying to pursuer 4000 merks of principal and £400 of expenses.—Pursuer appearing personally, and defender not appearing, there is order to the Captain of the Guard as above.

Fol. 24, b.

Alexander Leask and others against Adam Gordon brother of Gordon of Gicht, for assault, violence, and the wearing of hagbuts.

Complaint by the King's Advocate, and Alexander Lesk in Belshamphie, Thomas Fidler there, and William Smyth in the Maynis of Lesk, as follows:—On a day in February last, Adam Gordoun, brother of the Laird of Geycht, armed with a sword, &c., "forgaddering with the said Alexander Lesk at the yet of Lesk," put violent hands on him and wounded him seriously. On another day in the same month the said Adam went to Thomas Fidler's house in , and, having burst open the door, took away a sack of malt. On 24th October last defender went to William Smyth "with a grite battoun," shamefully "strak and dang him upoun the head and utheris pairtis," and left him for dead. "And, monethlie, in the monethis of Januair, Februair, Marche, Aprile, May, Junij, Julij, August, September, October, November, and December

1614," and in January, February, March, and April of this year, "and almaist upoun ilk day of the same monethis," defender has openly worn hagbuts and pistollets.—The Lord Advocate appearing personally, and William Lesk of that Ilk appearing for the other pursuers, and defender not appearing, the Lords order defender to be denounced rebel. Decreta June 1615-Mar. 1616.

Caption against James Forret for debt.

Complaint by Richard Blyth, son of the late James Blyth, portioner of Craigie, that Henry Philp in Ormestown, as principal, and James Forret, fear of that Ilk, and Johnne Calvie, burgess of Newburgh, as cautioners, remain unrelaxed from a horning of 1st September 1612 for not paying to pursuer 1200 merks.—Pursuer appearing by Archibald Douglas, macer, and James Forret not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 25, a.

Declaration by Malcolm Crawford in the matter of which he is accused concerning Jean Cunningham.

This day Bryce Blair of that Ilk presented Malcome Craufurd, son of Johnne Craufurd of Kilburny, before the Council. "The said Malcome being deiplie sworne, and demandit upoun his grite and solemne aith gif he had ony carnall dealing with Jeane Cunynghame, suster to David Cunynghame of Robertland, at that tyme quhen the violence wes usit aganis hir in the place of Kilburny be the said Malcome in the monethe of Marche last, for the quhilk the said Malcome his fader and mother wer wairdit and him self undir the dainger of horning, the said Malcome declairit that he had no carnale deale with hir at that tyme, and that sho is frie of him; and, in taikin of the treuth heirof, hes subscryvit thir presentis with his hand. *Sic subscribitur:* M. Craufurd". Fol. 25, b.

Act anent the same Malcolm Crawford and his mother, Lady Kilburnie, enjoining penance on them on account of their offence concerning the same Jean Cunningham.

This day appeared David Cunynghame of Robertland, on the one part, and Bryce Blair of that Ilk, as cautioner for Johnne Craufurd of Kilburny, and Margaret Blair, his spouse, on the other part. The said David was asked "gif he had ressavit contentment and satisfactioun frome the said Laird of Kilburny and his spous, and Malcome Blair, thair sone, for that offence committit be the said Lady and Malcome aganis Jeane Cunynghame, suster to the said David, conforme to the act quhairby the said Brice Blair become actit and obleist as cautioner and souirtie for that effect." He answered that they had made "certane offeris in write" (which were produced), and that he was willing to accept the same, if caution were found for their performance of them "according to the ordour prescryvit be him and set doun in write" (which was likewise produced before the Council). Thereupoun the said Brice Blair, and Mr Matthew Craufurd, brother of the laird of Leifnoreis (who was present), became cautioners for the performance of the following by the said Margaret Blair and Malcome Craufurd: to wit, that they repair to certain kirks on certain days, and "stand or sit in the place of publict repentance in everie ane of the saidis kirkis during the haill tyme of the sermone; and that efter sermone in everie ane of the saidis kirkis thay sall humelie on thair kneis crave God and the pairtie forgifnes for the violence and injurie offerit be thame to the said Jeane, quhairof thay sall gif publict confessioun and declaratioun in the saidis kirkis, accord- Fol. 26,

Decreta June 1615–Mar. 1616.

Fol. 26, a.

ing as thay salbe demandit and interrogat be the ministeris; and that the said Malcome by his grite and solemne aith sall purge him selff that he had no carnall deale with the said Jeane: and thir premisis to be performit as followis:" on Sunday 23rd July, in the High Kirk of Glasgow in the forenoon, and in the New Kirk of Glasgow in the afternoon; on Sunday 6th August, in the kirk of Air; on Sunday 13th August, in the kirk of Paislay; on Sunday 20th August, in the kirk of Irwing; on Sunday 27th August, in the kirk of Kilmacolme; and on Sunday 3rd September, in the kirk of Kilburny. And also that the said Malcome be banished from this kingdom, not to return under the pain of 10,000 merks "without the pairteis warrand."—The Lords declare that the said Brice Blair has satisfied the first act of cautionary, and exoner him of the same.

Caption against Thomas Lyell and others for debt.

Complaint by James Keith in the Craig of Carvok, that Thomas Lyell of Murthill, Johnne Cuming of Collow, David Betoun of Carsgowny, James Betoun of Westhall, and Patrik Lindsay of Barneyairdis, remain unrelaxed from a horning of 18th April last for not paying to pursuer 5196 merks, 16s. of principal, and £1200 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, there is order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Fol. 26, b.

Caption against James Baillie for debt.

Complaint by James Cokburne, brother german of William Cokburne of Skirling, that James Baillie of Carphine remains unrelaxed from a horning of 24th March for not paying to pursuer £90 of principal and £20 of expenses.—Pursuer appearing by George Ker, his procurator, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Fol. 27, a.

Caption against Thomas Inglis for debt.

Complaint by Sir Williame Lawsoun of Boghall, knight, that Thomas Inglis, portioner of Auldlistoun, remains unrelaxed from a horning of 17th June last for not paying to pursuer 250 merks of principal and 20 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 27, b.

Complaint by Andrew Fraser against Bannerman of Elsick for assault.

Complaint by the King's Advocate, and Andro Fraser, apparent of Stanywood, as follows:—On Sunday 1st May 1614, the said Andro Fraser, while entering the door of the kirk of Piterhead, whither he had repaired to hear sermon, was attacked by Alexander Banerman of Elsik, and would have been slain but for timely assistance. Again, when defender heard that pursuer was at the Brig of Die on 26th November last, he and Johnne Banerman, and Alexander Thayne, his servitor, all armed and wearing pistolets, waited for him at the said bridge, and, when he appeared, committed a most violent assault upon him with drawn swords. Pursuer would have been slain "wer not be the providence of God and his awne bettir defence he eschaiped."—Pursuer appearing personally, and defenders being likewise present, the said

Alexander denied the charge of assault, but admitted that there were pistolets in his company, although, he was not aware of that at the time; and he produced a remission under the Great Seal for bearing and wearing hagbuts and pistolets. The Lords assoilzie defenders. Decreta June 1615–Mar. 1616.

Decree against Patrick Hunter for illegally re-possessing himself of a horse of his which had been poinded for debt.

Complaint by Hew Ferny, "stewart officeair of the Stewartrie of Fyff," and James Balfour, servitor to Sir James Balfour of Pitculloch, as follows.—The said James Balfour, having obtained a decree from the Steward of Fyff against Patrik Hunter in Ardett for certain sums of money, thereupon "purchest ane precept of poinding" from the said Steward. Armed with this precept, the pursuer "past and apprehendit at ane blak horse pertening to the said Patrik. And, having thair verie ordourlie and lauchfullie apprysit the said horse, the officeair foirsaid maid offer of the same horse to the said Patrik upoun payment of the soume for the quhilk he wes apprysit as said is; and, he refuiseing to accept of the said offer, the said Stewart officeair of new agane apprysit the said horse at the mercat croce of Couper, and thairefter pat him in a stable within the said burgh," and remained "all that nicht attending about the dure of the said stable, to the effect the said horse sould not be convoyit furth of the same." About midnight the said Patrik Hunter, accompanied by Andro Wilsoun in Pitcronie, both armed, came to the stable and attacked pursuer, "held drawne swerdis and durkis to his breist, avowing with mony horrible aithis to thrust the same throw him incaice he myntit to withstand and resist thame in the melling and taking agane of the said horse; cuttit the said officeairis belt, took the key of the stable dure af it, enterit in the stable, and maisterfullie and perforce reft and away took the said horse, and efter a verie insolent maner with thair drawne swerdis in thair handis proudlie inquirit who durst find fault with thame, and sufferit the officeair to brek his wand upoun thame."—Pursuers appearing personally, and defenders not appearing, the Lords find the charge of taking away the horse proven, and order the said Patrik Hunter and Andro Wilsoun to enter themselves in ward in Edinburgh Tolbooth within six days, and there to remain at their own expense till further order be made. Fol. 28, a. Fol. 28, b.

Penance on Robert Strauchan in Musselburgh for his offence done to Mr Archibald Simpson, minister of Dalkeith.

Complaint by Robert Strauchane in Mussilburgh, as follows:—Pursuer, "being most penitent and sorie" for the offence done by him against M^r^ Archibald Simpsoun, minister at Dalkeith, has offered him "all reasounable satisfactioun at the sicht of his awne bretherine of the presbiterie." The minister will not accept, until (1) he confess he had a "foirthocht purpois and resolutioun to haif tane his lyff," (2) he submit himself absolutely to his will, and (3) he obey whatever the said M^r^ Archibald shall enjoin. Defender has "planlie declairit that he will decerne the said complenair to be banist his Majesteis dominionis." Pursuer cannot confess that he had a design to slay defender, as what "fell out betuix thame proceidit upoun a suddane passioun," and pursuer is willing "to underly the Lordis of Secrite Counsaillis censure thairanent." —Pursuer appearing personally, and the said M^r^ Archibald Simpsoun also Fol. 29, a.

Decreta June 1615–Mar. 1616. Fol. 29, b.

appearing, who remitted the offence to the decision of the Council, the Lords find that the said Robert shamefully attacked the said M^r^ Archibald within the kirkyard of Dalkeith, "as he wes comeing out of the kirk frome the exercise," and order him "to stand twa severall Sondayis at the kirk-duris of Dalkeith and Inneresk, bairfuted and in sekcloith, fra the ringing of the first bell to the last, and than to go directlie fra the kirk duris to the seatis of repentance within the saidis kirkis, and thair to sit during the tyme of preitching; and efter the preitching that he mak publict confessioun of the offence done be him to the said M^r^ Archibald, and crave him forgevness for the same"; and that he do so at Dalkeith on the first Sunday of August, and at Inneresk on the following Sunday; and that he find caution for 2000 merks for his performance of the same.

Commissions. Fol. 210, b.

Commission under the Signet, signed by the Chancellor, Glasgow, Lynlithgow, Kinghorne, Blantyre, and Binning, to the Sheriff of Forfar to try William Husband, hammerman in the Hill of Maynis, now in his custody for the murder of Johnne Harry in Laggislaw in May last.

Commission for the trial of William Husband for murder.

Sederunts. Fol. 120, a.

"Kilburnye and his lady decernit in a fyne of j^m^ ℔."

Kilburnie fined.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit presonalie Kirkpatrik of Kirkmichaell, and actit and oblist him to present and exhibite Johnne Kirkpatrik, his sone, befoir the saidis Lordis upoun the first day of August nixt to answer to the complaynte of M^r^ Robert Franshe, minister at Halyroode, under the pane of iij^c^ merkis."

Fol. 121, a.

Caution for the appearance of John Kirkpatrick.

"The Lordis ordanis James Primrois to delyver to James Steuart, callit of Jerusalame, ij^c^ merkis, as a pairt of the v^c^ merkis quhilk the Lord Uchiltrie consignit in the said James Prymrois hand to be delyverit to the said James Steuart; and ordanis him to delyver the rest of the said soume quhen he gois aboarde of the ship to pas oute of the cuntrey."

Order for delivery of 200 merks to James Stewart, going into banishment.

Acta Mar. 1615–Aug. 1617. Fol. 12, a.

Sederunt—Chancellor; Secretary; Treasurer Depute.[1]

Edinburgh, 22nd July 1615.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Sir William Steuart, Maister of Blantyre, and Williame Scott of Baluerie, and gaif thair grite and solemne oathe that none of thame sall direct nor send ony challange or cartall the one to the other, nor accept nor answer no challenge nor cartall to be send the one to the other; and, yf ony challange or cartall salbe send be ather of thame to the other, that the pairtie challangeit sall reveill the same to the saidis Lordis, and produce the cartall and challange send unto thame."

Oath of peace between the Master of Blantyre and Scott of Balwearie.

Decreta June 1615–Mar. 1616.

Sederunt—Chancellor; Bishop of St. Androis; Caithnes; Linlithqw; Lotheane; Blantyre; Binning; Bishop of Ros; Master of

Edinburgh, 25th July 1615.

[1] This is supplied from the *Book of Sederunts*.

Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Sir Petir Young; Sir Johnne Arnote.[1] Decreta June 1615-Mar. 1616. Fol. 29, b.

Caption against Hector Campbell for debt to Peter Peit of Middleburgh.

Complaint by Petir Peit, merchant, burgess of Midleburgh, and James Ewing, servitor to Williame Ray, merchant, burgess of Edinburgh, his factor for receiving the following sum, that Hector Campbell, merchant, burgess of Haddingtoun, remains unrelaxed from a horning of 14th January last for not paying to the said Petir, or his factor, £40 Flemish, or £7 for each pound Flemish, and £12 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Act in favour of Sir Robert Hepburn of Aulderston, warranting the expeding of an old infeftment in his lands.

Petition by Sir Robert Hepburne of Auldirstoun, knight, as follows: Fol. 30, a. —Petitioner, having made resignation of his lands and barony of Auldirstoun (which were held by him "in taxt waird") into the King's hands, and the lands of Eister Grantoun having fallen into the King's hands by recognition, purchased an infeftment of the said lands of Eister Grantoun and the lands and barony of Auldirstoun, to be held of his Majesty "in taxt waird." The said infeftment was "suprascryvit" by the King, and subscribed by the late George, Earl of Dumbar, Treasurer for the time, and by the other Lords Commissioners; and the composition thereof was received by Sir Johnne Arnote, then Treasurer Depute, long before the decease of the Treasurer, "albeit be the said supplicantis awne sleuth and negligence the said infeftment and signatour was nawyse past his Heynes registeris and seallis." The present Treasurer Depute and the writers and keepers of the registers and seals will not expede the same without warrant from the Lords. The petitioner therefore craves the Lords to give the necessary warrant.—The Lords grant petition.

Caption against Alexander Stewart for debt.

Complaint by Nicolas Fouconat, Frenchman, burgess of Edinburgh, that Alexander Stewart, burgess of Edinburgh, remains unrelaxed from a horning of 3rd November 1614 for not paying to pursuer £287, 10s. of principal and £20 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Robert Munro of Assynt and others assoilzied from a charge of wearing hagbuts and pistols.

Complaint by the King's Advocate that Robert Monro of Assint, Johnne Monro in Culcragy, William Ros, burgess of Tayne, Hew Monro in Obsteill, William Monro in Clyne, Nicolas Ros of Coinache, Robert Monro in Findone, Waltir Ogilvy of Mylnetoun, and George Innes in Edindeach, have on sundry occasions worn hagbuts and pistollets, despite the proclamations thereanent.—Pursuer appearing personally, and defenders being likewise present, the Lords assoilzie defenders, because Fol. 31, b. they have declared on oath that the charge is false.

[1] The *Book of Sederunts* adds the name of Kinghorne after that of Linlithgow.

Decreta June 1615-Mar. 1616.

Complaint by James McGowne in Treive Grange, as follows:— Johnne Chairterhous in Crae, "callit Crooked Johnne," who had conceived "a deadlie haitrent" of pursuer, came armed, on a Sunday in February last, to pursuer's house, and assaulted him with a drawn sword. He wounded pursuer "in many pairtis of his body, and chaissit and howsit him in the dwelling house of ," and would have slain him had he not escaped thither. In June last, while pursuer was going on the highway towards St Johnesclauchane, he was met by defender, who committed another fierce assault on him with a drawn sword; and he would have been slain had he not fled from him with all speed. — Pursuer and defender appearing, the Lords, finding the charge not proven, assoilzie defender, and order both parties to find caution for £100.

Action by James McGowan against John Charteris for assault: defender assoilzied.

Fol. 32, a.

Complaint by the King's Advocate, Alexander Banerman of Elsik, Johnne Banerman, his brother, and Alexander Thayne, his servant, as follows:—On 26th November, Andro Fraser, apparent of Muckallis, accompanied by George Grant, William Gariauche, Elias Mont, James Fraser, Johnne Fergus, Alexander Abirdour, domestic servitors to Andro Fraser of Muckall and his son, Thomas Fraser in Pitcowtynis, George Fraser in Corsky, and David Douglas in Darnefurd, all armed and wearing pistollets, "dernit" themselves at the Brig of Die, and

Fol. 32, b.

awaited the coming of the said Alexander Banerman, his brother, and his servant, who on that day were to proceed from Abirdene to the place of Elsik. The said persons, "persaveing thame tua houris efter the sonne setting repairing by thame," came from their hiding place and assaulted them, and, discharging three pistollets, wounded the said Johnne Banerman in the arm. The pursuers would have been slain, but for "the providence of God, thair awne bettir defence, and the darknes of the nicht."—Pursuers appearing personally, and the said Andro Fraser, William Gariauch, Elias Mont, James Fraser, Johnne Fergus, George Grant, and George Fraser also appearing, but the said Thomas Fraser, Alexander Abirdour, and David Douglas not being present,

Fol. 33, a.

the Lords order the said Andro Fraser to "compone" with the Treasurer Depute for his offence of having pistollets in his company, and to pay 100 merks to Alexander and Johnne Banerman. The Lords assoilzie the other defenders who are present, and order the said Alexander Abirdour, Thomas Fraser, and David Douglas to be denounced rebels. The Lords further order Andro Fraser, elder, of Muckallis (who is present) to find caution for himself and his said son, and Alexander Banerman also to find caution,—the former for 5000 merks, and the latter for 3000 merks; and that both remain in Edinburgh till they find the same.

Action by Bannerman of Elsick and his brother against Andrew Fraser of Muckalls and others for assault and for wearing pistols.

Fol. 33, b.

The Lords continue to the first Council day in December next the case of Johnne, Earl of Perth, and Alexander, Lord Levingstoun, who had been summoned to appear this day to hear the order of the Council "for the observatioun of his Majesteis peace."

Earl of Perth and Lord Livingston.

Edinburgh, 27th July 1615.

Sederunt—Chancellor; Bishop of Sanctandrois; Caithnes; Kinghorne; Lotheane; Bishop of Caithnes; Bishop of Ros; Blantyre; Binning; President; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsayth; Medop; Bruntyland; Sir Petir Young; M^r George Young. Acta Mar. 1615–Aug. 1617. Fol. 12, a.

Commission to the Earl of Linlithgow and six others to survey the coal-heughs on the Forth and report on the same.

"The Lordis of Secreit Counsaill gevis and grantis full pouer and commissioun be thir presentis to Alexander, Erll of Lynlithqw, Sir Williame Levingstoun of Kilsayth, Vicechalmerlane of this kingdome, Dundas of that Ilk, David Creichtoun of Lugtoun, Ramsay of Cokpen, Fawsyde, youngair of that Ilk, and Clapen of Carslogie, to survey the haill coilheughis upoun the watter of Forthe, and to trye how mony of thame may be intertenyit and upholdin by the cuntrie and land saile of thair coillis, and whilk of thame can not be intertenyit and upholdin without a foreyne dispatche and saile of thair coillis in respect of the grite chargeis and expensis whilk the intertenying and upholding of the saidis coilheughis will necessarlie require; and ordanis the saidis commissionaris to convene and meit at Lynlythqw upoun the xiij day of August nixttocome, and fra that to go fordwart and to prosequute this commissioun; and that thay mak a reporte of thair proceedingis in this bussynes to the saidis Lordis upoun the xxiij day of the said moneth of August nixttocome."

Edinburgh, 27th July 1615.

[Sederunt as recorded above.] Decreta June 1615–Mar. 1616.

Caption against James Stewart, brother of the late Earl of Orkney, for debt.

Complaint by Duncane Cunynghame, son of Archibald Cunynghame, master porter of the Castle of Edinburgh, that James Stewart, brother of the late Patrik, sometime Earl of Orknay, as cautioner for the Earl, remains unrelaxed from a horning of 22nd December 1614 for not paying to pursuer £600 of principal and £50 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 33, b.

Complaint by David Phin against John Ged, bailie of Burntisland.

Complaint by David Phine, shipper of the ship "callit the Gift of God," and burgess of Bruntiland, as follows.—On 18th July instant, pursuer, while walking peaceably on the High Street of the said burgh, was asked by Henry Phine, officer of the burgh, to go to Johnne Ged, bailie of the burgh, who had sent the said officer to make the request. Pursuer went "in all reverence and modestie with his hat in his hand," but was immediately attacked by the said bailie "with his fauldit nevis," and abused so seriously that he would have been bereft of his life but for the interference of some people who were present.—Pursuer and defender appearing, the Lords find the charge not proven, and assoilzie defender. Fol. 34, a.

Complaint by said John Ged,

Complaint by Johnne Ged, bailie, and Mr. Andro Wilsoun, clerk of Fol. 34, b.

Decreta June 1615–Mar. 1616.

Bruntiland, as follows:—James Young, tailor, burgess of Bruntiland, William Sym, sailor there, and David Phine, merchant there, "houndit out be some uther proud, malitious, and seditious personis, quha mislykis alwyse of peace," have "consavit ane deidlie haitrent and malice aganis the saidis complenaris, becaus thay wer upoun ane course to tak some good solide ordour for the weill of the said burgh and satling of troublis quhilk hes bene thairin thir divers yeiris bipast. Thay haif not onlie calumniat and detractit the saidis complenaris seditiouslie as betrayeris of the toun, and hes gevin out mony havie imputationis aganis thame, not onlie at thair privat meitingis bot in presence of the haill people to steir thame up aganis the saidis complenaris be way of seditioun; bot with that thay haif socht and seikis the occasioun to hairme thame in thair personis and bereive thame of thair lyveis, and will not suffer thame to gang peciablie upoun the hie streitis, nor keip thair awne housis." On 15th July instant, while the said Mr. Andro was walking on the street, the said William Sym, with his accomplices, made an attack on him. He "first strak him behind his bak," and afterwards "with his fauldit neive" struck him upoun the head and face. "And, the said Mr. Andro being sinderit fra him, he come rynnand upoun the said Mr. Andro agane, and gaif him divers strykis with his neveis, and reft his cloik . . , mynding to have movit the said Mr. Andro to follow him,—he having a nomber of his complices lyand at await to have tane the said Mr. Androis lyff gif he had come amang thame." On the same night the said persons lay in wait for pursuer "in a prevey throw-gang foiranent his awne ludgeing, and utheris quiet placeis." On Sunday 16th July the said Williame went to Mr. Andro's seat "quhair he is accustomat to sitt in the kirk of Bruntiland for heiring of the sermone, and sat doun in the said sait before and efter none," with the intention of striking Mr Andro, if he had gone to his own seat. On the morning of the 17th, after a meeting of the bailies of the burgh on public business, the said James, with his accomplices ("haveing laitlie pairtit frome Mr. William Watsoun"), followed Mr Andro when he was going home, and gave him many blows on the head and legs "with his fauldit neivis and feit and with grite stanes." Immediately afterwards, the said David Phine, William Sym, and others, went to Johnne Ged and upbraided him. They then put violent hands on him; "took him be the gorgit and baird, and ruggit a grite pairt of the hair out of his baird; rave his overla fra his craig; and the said William Sym gaif the said bailie divers boxis, and strak him with his fauldit neive upoun the breist and paip." Defenders have committed "a verie grite ryot and contempt aganis his Majestie in presomeing so malapairt to put hand in the magistratis, quha representis his Heynes awne persone."—Pursuers appearing personally, and the said James Young, William Sym, and David Phine also appearing, the Lords find the charge of casting stones proven against the said James Young, and order him to be committed to ward within the Tolbooth of

bailie of Burntisland, and by Mr. Andrew Wilson, clerk of that Burgh, against the said David Phin, and James Young and William Sym.

Fol. 35, a.

Fol. 35, a.

Fol. 35, b.

Edinburgh, and there to remain, at his own expense during the pleasure of the Lords. The Lords assoilzie the said James and the other defenders from all the other charges. Decreta June 1615-Mar. 1616.

The Treasurer Depute against M^cCulloch of Ardwell for deforcing a messenger.

Complaint by Sir Gedeone Murray of Elibank, knight, Treasurer Depute, as follows:—A part of the 1st and 2nd terms' payment of the taxation granted to the King in October 1612 for the lands and barony of Cardiners [Cardineis?] having remained unpaid, pursuer employed Johnne Hutoun, messenger, to poind the "reddiest goodis and geir" on the said lands. On 6th April the said Johnne went to the lands of Ardwell, "quhilk is a proper pairt and pertinent of the said barony," and apprehended a "gray naig." He was there attacked by Thomas M^cCulloch of Ardwell, had the "naig" which he had "apprisit" taken from him, and was deforced.—Pursuer and defender appearing, the latter submits himself to the Treasurer Depute for the offence; whereupoun the said Treasurer Depute "askit instrumentis." Fol. 36, a.

Commission to Fraser of Strichen for the apprehension and trial of illegal fishers on the Ythan and other waters and destroyers of greenwood in those parts.

Commission under the Signet, signed by the Chancellor, Glasgow, Bining, Alexander Hay, and A. Drummond, to Thomas Fraser of Streichine, to apprehend and try all persons in the sheriffdom of [Aberdeen] near the water Ythan, who kill salmon, smolts, and fry in forbidden time with "pok nett, wand, speir, and uther ingyne, sic as bigging of dammes and cruvis," on the said water, Urie, Brounie, and Nethir Burns, running into the said water, and burn of Ketlie, and who cut and destroy the greenwood and young plantation in the woods and parks of Abbotishall, Blairfude, Wester Fintrie, Boigis, and Yairdis of Towquhan, belonging to William Forbes of Tolquhan. Commissions. Fol. 212, a.

Henry Stewart and others.

"Ane act anent Henry and Patrik Steuartis, Bernard Lindsay, and Robert Elphinstoun." Sederunts. Fol. 121, b.

Coal-heughs.

"Missives to the Commissionaris for surveying of the Coil-heuchis."

The *Minute Book of Processes* gives the following memoranda collectively for the month of July 1615:— Minute Book.

Deforcment: Lokhart of Cleghorn against Hamiltoun of Roploch.

Oppression: Graham, dochter to Graham of Knokdolean, against Muirheid of Brydanhill.

Precognition against the Earle Mershell and Glenbervy.

Ryott: George Rutherfoord against Johne Halliburtoun.

Warrand to cite Grant of Ballindalloch for ressett of Ogilbie the Jesuitt.

Convocatione and oppression: Johne Halliburtoun against Rutherfoord.

Rebellion: Captan Douglas against James Tennent.

Complaint: Advocatt against Pursell for exporting shorling skinnes.

Ryott: Nicoll Rowan against Johne M^cCaskie.

Act discharging Sir Gedeon Murray of certan paperis delyverit to Sir

Minute Book. Alexander Hay to be keiped in his Majesteis Register House in the Castle.

Rebellion: James Saltoun against Sir Hary Lindsey.

Rebellion: Issobell Bowmaker against William Midlemist.

Letteris against the Earle of Angus for exhibiting of Young, a fugitive.

Decreit: Alexander Bannerman against Fraser of Murkill.

Rebellion: Alexander Lauder against Thomas Inglis.

Ryott: Johne Jonstoun against William Horsburgh.

Act: Releiff of Lauchan M^{c}Intosh of the exhibitione of certan persones.

Ryott: Robert Boswall against James Hoome.

Rebellion: James Harper against Johne Wishart.

Ryott: Walter Cokburn against James Sibbald.

Proces for a found hoord: Advocat against Thomas Aikman.

Supplication: M^{r} Johne Rollok against Thomas Aikman.

Supplication: M^{r} Johne Rollok against Captan Ruthven, to find cautione for his indemnitie.

Petition: Paroch of Clatt—for changing thair mercat day from Teusday to Fryday.

Petition: Toune of Kirkcudbright—for ane impost to repair thair harbory.

Act ordaining the kirk of Mousholl to be the place of preaching, &c., for the parocheis of Daltoune and Moushell.

Act for a generall read [raid] to the pursute of Sir James M^{c}Donald the traitour.

Proces: Patrik Strauchan against M^{r} Georg Simsone, to accept of satisfactione for ane wrong.

Ryott: Andro Fraser against Alexander Banerman.

Ryott: David Wilson against Georg Jonstone.

Rebellion: Richard Blyth against Hendry Philip.

Rebellion: James Keith against Thomas Lyll.

Rebellion: James Cokburn against James Baylie.

Rebellion: Sir William Lawson against Thomas Inglis.

Rebellion: Issobell and Kathrin M^{c}Nauchtis against Johne Reddick.

Rebellion: William Carnegie against Hew Maxwell.

Rebellion: M^{r} Jerom Innes against James Duncan.

Suspension: Mathew Barnes against Archibald Davidsone.

Ryott: Johne Stirling against David Lindsey.

Precognitione against Douglas of Spott and Hoom of Ecles.

Rebellion: Thomas Crichtoun against Sir Johne Wood.

Ryott and oppressione: Alexander Lesk against Adam Gordon.

Petitione: Sir Robert Hepborn, craving to have the infeftment of his landis exped, notwithstanding of the deceis of Thesaurair Principall.

Rebellion: Nicolas Falconer against Alexander Stewart. Minute Book.
Rebellion: Peter Peitt against Hectour Campbell.
Ryott: James Alexander against M^r^ Andro Wilsone.
Ryott: David Phyne against the Baylie of Bruntiland.
Rebellion: Lord Thesaurair against Georg Brody and otheris.
Rebellion: Duncan Cunyngham against Stewart.
Deforcment: Johne Hutton against Thomas M^c^Culloch.
Ryott: Johne Ged against Johne Young and otheris.
Deforcment: Hew Fairney against Patrik Huntar.
Witnesses in the proces—Jonstoun against Wilsone.

Edinburgh, 2nd August 1615.

Sederunt—Chancellor; Bishop of St. Androis; Caithnes; Bishop of Ros; Bishop of Caithnes; Blantyre; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Sir William Alexander. Decreta June 1615–Mar. 1616. Fol. 36, a.

To denounce James Stewart and Hew Campbell for assault.

Complaint by Donald M^c^Kay of Auchintrosche, that in December last he was assaulted by James Stewart and Hew Campbell in Kenloch, in the dwelling house of James Stewart in Kenloche Kilkerrane in Kyntyre. Defenders "pullit out his awne swerd, mutillat him of his left hand," and wounded him in the right hand and other parts of the body.—Pursuer appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels.

To denounce Patrick Hunter and Andrew Wilson for hamesucken and assault.

Complaint by Johnne Melvill in Ardett, and Agnes Beatoun, his spouse, as follows:—On a day in July last Patrik Hunter in Pitcormie, and Andro Wilsoun, his son-in-law, with others, all armed, came "be way of hamesuckin" to pursuer's house in Ardet about midnight. They "first barbarouslie fellit and slew the saidis complenaris house dog, to the effect he sould not bark and gif notice" of their coming. Thereafter with a great "geist" they broke open the door and entered. They "pat first violent hand in the said Agnes, pullit hir sark over hir head, and pat hir mother-naiked out at the dure, and exponit hir to the injurie of the cauld nicht; and thairefter pullit the said Johnne Melvill furth of his naiked bed, and with durkis gaif him fyve deidlie woundis in his head," besides others elsewhere. Pursuer, when he instituted proceedings, was "lyand bedfast, not liklie to convalesce." — The said Johnne Melvill appearing for himself and wife, and defenders not appearing, the Lords order defenders to be denounced rebels. Fol. 36, b.

Order from his Majesty that a catalogue be prepared of all persons at the horn throughout the kingdom, with the particulars relative to

Petition by Sir Gedeone Murray of Elibank, knight, Treasurer Depute, as follows:—"The Kingis Majestie haveing tane just caus of offence at the grite nomber and daylie increscе of personis contempnandlie lying at the horne for civile and criminall causis, and his Majestie apprehending that the not executioun of the law against suche contemptuous and rebellious personis by warding of thair personis and medling with thair Fol. 37, a.

Decreta June 1615-Mar. 1616.

eschete goodis is one of the cheif causis that foisteris thame in thair rebellioun,—his Majestie thairfore, by his lettir writtin and directit unto the Lordis of Secrite Counsale, hes cairfullie recommendit unto the saidis Lordis the reformatioun and redresse of this abuse, and hes commandit that ane cataluge and roll be maid of the haill rebellis within this kingdome, declaratouris persewit upoun thair eschetis and lyvrentis, and the ordinair course of law to be prosequute and followit oute aganis thame." The Treasurer Depute cannot "overtak thame in his awne persone, as namelie the trying and examining of registeris of horningis and compairing the horningis with the relaxationis, the trying and examining the decritis of nullitie of horningis, the examining and trying how mony of the rebellis ar alyve and who ar deid, and who are responsall and answerable, and who are poore, quhat eschetis are gifted, and how mony restis ungifted, and whiche of the rebellis retenis the possessioun of thair awne landis and goodis notwithstanding of thair rebellioun and that thair eschetis and lyvrentis ar disponit. And, forder, thair hes bene ane verie grite abuse thir divers yeiris bigane in tyme of vacance, that, quhen ony suspensionis contening relaxationis ar past, cautioun is tane for the eschete goodis undir suche unworthie and meane sowmes as aucht not to be tane; and mony personis delayis the purchessing of thair suspensioun till the vacance, to the effect thay may then find ane ease in the finding of cautioun for thair esheatis, both anent the qualitie of the persone whome thay find cautioun, who oftymes provis to be unresponsall, and anent the sowme, quhilk commounlie is ten pundis or ten merkis for personis of good rank and qualitie." Wherefore "the feare quhilk men sould haif of horning is removit." Petitioner desires the nomination of "some discreit and diligent persone to attend and await upoun the particularis abonewrittin," and that he receive reasonable allowance for his trouble.—The Lords grant petition, and allow the Treasurer Depute to make the nomination, and to give such allowance as he shall think proper.

these cases: request of the Treasurer Depute that he may have assistance in the business; the request granted.

Fol. 37, b.

Fol. 38, a.

Complaint by William Dalmahoy, son of Hercules Dalmahoy, "stabuler," burgess of Edinburgh, as follows:—On a day in June last, pursuer, while coming from Glasgow to Edinburgh, was met by James Murray in Barrachtane, upon the lands of Barrachtane, and there cruelly "invaidit" with a "fute spaid," and seriously wounded on the shoulder. Pursuer has "lyne bedfast continewalie sensyne, as he dois yit, undir the cure of the chirurgianes, in grite hasard and perrell of his lyff."—The said Hercules Dalmahoy appearing for the pursuer, and defender also appearing, the Lords order defender to pay £40 to pursuer.

James Murray fined for assaulting William Dalmahoy.

Fol. 38, b.

Complaint by Archibald Cunynghame, master porter of the Castle of Edinburgh, and Margaret Phillop, spouse of William Simpsone in , as follows:—On 4th December 16[07], Robert Maxwell of Dynwiddie, who was then in ward within the Castle, with the assistance of some others, forced the gates of the same, and "persewit the saidis complenaris

Complaint of Archibald Cunningham, master porter of Edinburgh Castle, and of Margaret

Philip, against Robert Maxwell of Dinwiddie.

of thair lyveis, gaif the said Archibald a grite stryke upoun the left airme, gaif the said Margaret twa deidlie woundis in the scheulder, and hurte and woundit thame both in divers utheris pairtis . . . and left thame lyand for deid upoun the ground" [*ante*, Vol. VIII. p. 176 and p. 566].—Pursuers appearing personally, and the said Robert being also present, and the said Archibald having declared that he had received satisfaction from defender, but the said Margaret complaining that no satisfaction had been made in her case, the Lords order defender to pay the said Margaret 100 merks. Decreta June 1615–Mar. 1616.

Registration of a decreet of Lord Cranston in the matter of a mare poinded for custom.

The Lords allow the following sentence and decreet pronounced by William, Lord of Cranstoun, and order the same to be inserted in the Books of Council.—At Jedburgh on 28th July 1615 the said Lord Cranstoun, by commission from the Privy Council, called before him Thomas Davidsoun and David Tait, "undir customaris" to Waltir Ker, and also "the said Waltir Ker, customair, on the ane pairt, and Wilfurd Hudspeith on the uther pairt"; when the said parties, having been "solemlie sworne be thair grite aithis upoun the pointis and articlis contenit in the saidis commissioun," deponed as follows:—"The said Thomas Davidsone declairit that he, being appointit undir customair to Waltir Ker, come to ane meare pertening to the said Wilfurd Hudspeth at the Hempseidfurd, and demandit for the custome of the said meir fra the said Wilfurd,—quha answerit that he had onlie presentit the said meir to the mercat place, and that scho wes nather bocht nor sauld; and knew not the forme quhat he sould pay thairfore; and that he wald pay the dew thairof the nixt mercat day. Quhilk conditioun the said Thomas Davidsoun acceptit, and dimissit the said meir with the said Wilfurd—quhilk the said Wilfurd confest to be of treuth. And nixt, the said Wilfurd passing hameward with the said meare to the know undir Hempsydfurd, the said David Tait challangit the said meare with the said Wilfurd for hir custome, quha answerit that he had satisfeit the undir customair Thomas Davidsoun. And, the said David inquireing the said Thomas Davidsoun gif he had ressavit satisfactioun for the custome of the said meare, declairit to him that he had not ressaved the samyn; for the quhilk he tuke the said meare fra the said Wilfred. To the quhilk the said Thomas Davidsoun declairit be his aith, and schew to the said David Tait, that he had ressaved satisfactioun fra the said Wilfurd for the custome of the said meare be the conditioun abonewrittin. And, anent the sending of the twenty schillingis to the said Waltir Ker for the custome of the said meare contenit in the said commissioun, for tryell quhairof compeirit William Clerk in Corneuall; quha be his aith deponit that he come to the said Waltir Ker upoun the Settirday after the fair day of Kelso, and offerit to him the said twenty schillingis for the custome of the said meare, quha refuisit to ressave the samyn; quhilk the said Waltir confest the samyn to be trew. And, anent the said Waltir Keris ryding and abuseing of the said meir, he, being sworne thairintill, deponit that he onlie raid the said meare to be deliverit to the principall customairis in Edinburgh, and Fol. 39, a.

Decreta June 1615–Mar. 1616. Fol. 39, b.

for hir saulftie causit put four new schone upoun hir." The said Lord, having heard the case, ordered the said mare to be delivered to its owner, and the said Waltir Ker and his "undircustomairis" to pay to him 20s. sterling for costs, and other 20s. sterling for the loss of the mare till 1st September next. "In witnes heirof, I haif subscryvit thir presentis with my hand, writtin be Johnne Buchane, servitor to Robert Alensoun, clerk of Jedburgh, as followis, day, yeir, and place foirsaid, before thir witnesis:—William Douglas, schireff principall of Roxburgh; Andro Ker of Roxburgh; Mr Johnne Rutherfurd, schiref depute of Roxburgh; and Robert Alensoun, notair, with utheris. *Sic subscribitur:* William, Lord Cranstoun; W. Douglas, witnes; Andro Ker, witnes; Mr. Johnne Rutherfurd, witnes; Robert Alensoun, witnes."

Commissions. Fol. 211, a.

Licence to James, Master of Ogilvy, to remain abroad for years, without skaith to his person or goods for so doing,—provided he behave dutifully to the King and the present religion during his absence. Given under the Signet, and signed by the Chancellor, Glasgow, Earl of Caithnes, Blantyre, Pa: Bishop of Ross, Binning, A. Elphinstoun, Sir G. Murray.

Licence to the Master of Ogilvie to go abroad.

Licence in similar terms to Thomas Hammiltoun, eldest son of Thomas, Lord of Bynning, Secretary, and persons with him, to remain abroad years. Given under the Signet, and signed by the same persons.

Similar licence to Thomas Hamilton, eldest son of Lord Binning.

Fol. 211, b.

Commission under the Signet, signed by the Chancellor, Glasgow, Earl of Caithnes, Pa: Bishop of Ross, Blantyre, A. Elphinstoun, Binning, and Sir G. Murray, to George, Marquis of Huntlie, Sheriff of Abirdene, and his deputies, to apprehend and exhibit before the Council, Adam Gordoun, brother of the Laird of Geycht, who was put to the horn on 24th July last, at the instance of the King's Advocate, and Alexander Lesk in Balschamphie, Thomas Fidler there, and William Smyth in the Mains of Lesk, for not appearing before the Council in answer to a charge of wearing hagbuts and pistollets, and committing acts of oppression on the said pursuers.

Commission to the Marquis of Huntly for the apprehension of Adam Gordon, at the horn for carrying fire-arms.

Fol. 215, a.

Commission of the Peace for the Constabulary and Sheriffdom of Haddingtoun to the Chancellor, the Treasurer, Johne, Archbishop of St. Androis, the Lords of Privy Council and the Senators of the College of Justice, , Earl of Weyntoun, Thomas, Viscount of Fentoun, , Viscount of Hadingtoun, Sir Hammiltoun of Innerweik, Sir Patrik Hepburne of Wauchtoun, knight, Cokburne of Clerkingtoun, Sincler of Hirdmestoun, Sir William Seytoun of Kyllismure, knight, Hepburne of Smetoun, Hammiltoun of Prestoun, Fawsyde of that Ilk, Patrik Douglas of Kilspindie, Sir Johne Home of Northberuik, Sincler of Blans, Achesoun of Gosfurd, Sir William Home of Quhitlaw, knight, Sir Robert Hepburne of , and Patrik Carketle of Libertoun; and the said Sir William Seytoun to be Keeper of the Rolls.—Signed by the Chancellor.

Commission of the Peace for Haddingtonshire.

"The quhilk day the baileis of Kelso exhibite Jonnett Donnaldsoun

To try Janet Donaldson for fire-raising.

befoir the Counsell, who wes tane for setting fyre in a house of Kelso. Sho is committit to warde in the Tolbuithe of Edinburgh; and directioun gevin to the Justice to putt hir to the knowlege of ane assise, and to spair hir lyffe." Sederunts. Fol. 121, b.

Laird of Milton.

Licence to go abroad given to the Laird of Miltoun.

Archibald Hamilton.

"The quhilk day Archibald Hamiltoun gaif his oathe of allegeance."

Edinburgh, 4th August 1615.

Sederunt—Secretary; President; Treasurer Depute; Advocate; Medoip. Sederunts. Fol. 122, a.

New commission against Sir James Macdonald.

"Ane new commissioun to the Laird of Auchinbrek aganis Sir James M^cDonald." [See *Book of Isles* under this date.]

Same.

"Missives to Lochinyell and Ardinkinglas for concurring with him in that service."

Edinburgh, 12th August 1615.[1]

Sederunt—Chancellor; Binning; President; Treasurer Depute; Advocate; Medop. Acta Mar. 1615-Aug. 1617.

Act for giving effect to his Majesty's precept for the payment of £30,000 to the Earl of Abercorn.

"Forsamekle as it hes pleasit the Kingis Majestie, in remembrance of the mony goode services done to his Majestie be his traist cosine and counsellour James, Erll of Abircorne, to direct his precept under his Majesteis hand to Sir Gedeone Murray of Elibank, knyght, Deputie Thesaurair, for payment making to the said Erll of the soume of xxx^m li. money of this kingdome, as his Majesteis precept direct to this effect bearis. Quhilk being this day presentit befoir the Lordis Commissionaris of his Majesteis Rentis, and thay acknowledgeing his Majesteis benevolence and favour showne to the said Erll of Abircorne in this mater, thay lykewayes subscryvit the said precept, and ordanis the said Deputie Thesaurair to mak payment to the said Erll of the sowme abonewrittin, in maner and at the termes following, viz.:—ten thowsand pundis thairof presentlie in hand, and the rest of the said sowme at the feast and terme of Martymes nixttocome. Lyke as, the said Sir Gedeone Murray, Deputie Thesaurair, being personalie present, he in testificatioun of his willing dispositioun to gif unto his Majestie satisfactioun in this poynte wes content and consentit that ane precept and warrand sould be gevin Fol. 12, b. Fol. 12, b.

[1] On the 6th August Spotswood had been inaugurated in his Archbishopric of St. Andrews; and on the 8th he had held a Court of High Commission, at which, *inter alia*, Mr. John Malcolm, minister of Perth, was taken to task for some expressions in an Epistle Dedicatory to the King which he had prefixed to a commentary on the *Acts of the Apostles*. "They found fault," says Calderwood (vii. 201) "with two points in it: one wherein he requeisted the King to recall the banished ministers, alledging they were more faithfull subjects to his Majestie than those who had receaved great benefices at his hands; another wherein he regrated the corruption brought in into the Kirk by unlearned and unsanctified men. Mr. Johne, well accompanied with his parochiners, compeired; exponed his meaning, which was putt in writt. He was desired to subscribe it, that his Majestie might be satisfied. Becaus the Bishops stiled themselfs 'Lords,' he wold not subscribe it till that title were putt out, and the word 'Wisdomes' putt instead of it. The declaration was sent to the King."

Acta Mar. 1615–Aug. 1617.

be the saidis Lordis to the ressavearis of his Majesteis rentis for present payment to be maid be thame to the said Erll of the said soume of ten thousand pundis; and, for the remanent of the said sowme appointit to be payit at Martymes nixt, the said Deputie Thesaurair, with the speciall advise and consent of the saidis Lordis, hes assignit and assignis the said soume to be payit oute of the first and reddiest of his Majesteis taxatioun, and, failyeeing thairof, to be payit be the fermoraris of his Majesteis customes, or be the ressavearis of his Majesteis rentis, oute of that monethlie dewytie addebtit be the said fermoraris to his Majestie for the monethis of November and December nixt, compting ten thousand pundis for every moneth."

Sederunts. Fol. 122, a.

Sederunt—St. Androis; Glasgow; Ergyle; Caithnes; Lotheane; Scone; Binning; Treasurer Depute; Clerk of Register; Advocate; Kilsyith. Edinburgh, 22nd August 1615.

"Commissioun of Lieutennandrie to the Erll of Ergyll, with some other letteris concerning that service." [See *Book of Isles* under this date.] Commission of Lieutenancy to Earl of Argyle.

Acta Mar. 1615–Aug. 1617. Fol. 12, b.

Sederunt—Chancellor; Bishop of Sanctandrois; Bishop of Glasgow; Ergyll; Caithnes; Lynlythgow; Abircorne; Lotheane; Scone; Binning; President; Master of Elphinstoun; Treasurer Depute; Clerk of Register; Advocate; Kilsyithe; Medop; Bruntyland. Edinburgh, 23rd August 1615.

"The quhilk day the Lordis of Secreit Counsell, according to ane warrand and directioun in write signed be the Kingis Majestie and send unto thame, [ressavit] and admittit James, Archiebischop of Glasgow, to be ane of the ordinair nomber of the Prevey Counsaill of this kingdome, and to injoy all honnouris and digniteis, previlegeis and immuniteis, quhilk ony other counsellour be vertew of the said place enjoyeth. And, the said Archiebishop being personalie present, and [acknow]legeing his Majesteis gratious favour showne unto him in this mater, he, with dew reverence, upoun his knees, his hand lyand upoun the holie evang[ill], made and gaif his solemne oathe of alledgeance, and the oathe of a previe counsallour."—Follows "The Kingis Majesteis missive lettir for the warrand of the act abonewrittin," dated "At Lulworth, the xiij of August 1615," and addressed "To oure right trustie and right weilbelovit cosine and counsellour, the Erll of Dunfermlyne, oure Chancellour of oure kingdome of Scotland." [1] James Law, the new Archbishop of Glasgow, admitted of the Privy Council.

Fol. 13, a.

"The quhilk day, in presence of the Lordis of Secreit Counsaill, compeirit personalie Sir Williame Greir of Lag, Sir James Richardsoun of The sheriffships of Dumfries,

[1] James Law, who had been Bishop of Orkney since 1605, had been promoted to the Archbishopric of Glasgow on 20th July 1615, in succession to Spotswood, then transferred to the St. Andrews Archbishopric. Little time, therefore, was lost in bringing him into the Council. His vacant see of Orkney was filled up (Aug. 26, 1615) by the translation

Edinburgh, Haddington, Linlithgow, and Dumbarton.

Smetoun, Sinclair of Hirdmestoun, Sir Johnne Hamiltoun of Grange, and Johnne Grahame of Killerne, and acceptit upoun thame the officeis of schirefship of the schirefdomis undirwrittin, conforme to the commissionis past and exped to thame for that effect, viz.:—the said Sir William Greir of Lag, the office of schirefship of the schirefdome of Drumfreis; the said Sir James Richardsoun of Smetoun, the office of schirefship of the schirefdome of Edinburgh principall; the said Sinclair of Hirdmestoun, the office of schirefship of the constabularie of Hadingtoun; the said Sir Johnne Hamiltoun, the office of schirefship of the schirefdome of Lynlythgw; and the said Johnne Grahame of Killerne, the office of schirefship of the schirefdome of Dunbartane:—and gaif oathe for faithfull administratioun of the saidis officeis as accordis." Acta Mar. 1615–Aug. 1617. Fol. 13, a.

Robert Phillip continued in the sheriff-deputeship of Dumfries, and the Laird of Lag's promise to that effect.

"The quhilk day, Sir Williame Greir of Lag, schireff principal of the schirefdome of Drumfreis, compeirand personalie befoir the Lordis of Secreit Counsaill, it wes signifeit and declairit to him be the saidis Lordis that the Kingis Majestie, with advise of the saidis Lordis, upoun some speciall considerationis, had past and exped ane gift of the office of clerkship of the said schirefdome to Robert Phillop for some certane yeiris, and thairfoir thay desirit the said Sir Williame that he sould on nawayes trouble the said Robert in useing and exerceing of the said office, bot that he might be continewit thairin conforme to his gift. The said Sir Williame haveing hard the declaratioun foirsaid maid be the saidis Lordis to him in this mater, he allowit of the choise maid of the said Robert Phillop for the said office of schiref clerkship, and promeist to continew him in his office conforme to his gift."

Report of the commissioners appointed for surveying the coalheughs on the Forth.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Alexander, Erll of Lynlythgw, Sir Williame Levingstoun of Kilsyithe, Dundas of that Ilk, Fawsyde, appeirand of that Ilk, and Ramsay of Cokpen, and reportit and declairit that thay, with the otheris commissionaris nominat be the saidis Lordis for surveying of the coilheughis upoun the watter of Forthe, past according to the pouer grantit unto thame to the coilheughis of Bonhard, Carribdin, Airthe, Alloway, Sauquhy, Kincairdin, Culrois, Torrie, and Crummy, and that thay sightit and considderit the same coilheughis, and Fol. 13, b.

to it of George Grahame, Bishop of Dunblane since 1603; and the Bishopric of Dunblane, thus rendered vacant, was bestowed (23rd September 1615) on Adam Bellenden, minister of Falkirk. Some time previously the Bishopric of Ross, vacant by the death of David Lindsay, had been conferred on Patrick Lindsay, minister of St. Vigeans.—Amid these changes one might have expected some promotion for Andrew Knox, Bishop of the Isles. His services of late years had certainly been greater than those of any other Bishop, and had given him a better title to the Archbishopric of Glasgow than any that Law could show. Probably he had fallen in favour for the moment for that negligence in garrisoning the Castle of Dunivaig which had allowed it to be retaken by the Macdonalds, and so raised fresh commotion through the Isles. Or his recent appointment to the Irish Bishopric of Raphoe, to be held in conjunction with his Scottish Bishopric of the Isles (*ante*, Vol. IX. p. 570), may have been thought reward enough.

Acta Mar. 1615-Aug. 1617.

that nane of thame could be intertenyit with the cuntrie and land saile of thair coillis unles thay had a foreyne dispatche and saile of the same, inrespect of the grite and daylie chargeis and expensis quhilkis the intertenying and upholding of the said coilheughis will necessarlie require. Quhilk reporte and declaratioun maid be the saidis commissionaris being hard and considderit be the saidis Lordis, and thay ryplie advisit thairwith, the Lordis of Secreit Counsaill findis and declairis that the saidis commissionaris hes cairfullie execute the commissioun grantit unto thame in the mater foirsaid, and exoneris and dischargeis thame thairof; and ordanis the Kingis Majestie to be acquentit with the reporte and declaratioun maid be the saidis commissionaris in this mater."

Surrender by Captain John Mason of King's Lynn of his ship the Neptune, with all its furnishing, to the Treasurer-Depute.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Johnne Maissoun, indwellair in Kingis Linne within the realme of England, awnair of the schip callit the Neptune of Kingis Linne, and surrenderit, renunceit, and *simpliciter* overgaif to Sir Gedeone Murray of Elibank, knight, Deputie Thesaurair, his schip foirsaid, of the burdyne of fourty twnnis or thairby, togidder with hir ankeris, cabillis, towis, munitioun, and apparrelling pertening thairunto, with the haill goodis and geir whilkis wes within the said ship upoun the xv day of Junij or thairby lastbipast, to the effect the said Deputye Thesaurair may sell, use, and dispone upoun the said schip and goodis at his pleasour."[1]

Decreta June 1615-Mar. 1616.

[Sederunt as recorded above.]

Edinburgh, 23rd August 1615.

Fol. 39, b.

Caption against Crichton of Cluny and John Robertson for debt.

Complaint by Jonet Moncur, relict of Patrik Forbes, "citiner" of Dunkeld, that Sir Robert Creichtoun of Cluny, knight, and Johnne Robertsoun, *alias* Tarlasoun, apparent of Monzeis, remain unrelaxed from hornings of 28th April 1613 and 16th July 1614, respectively, for not paying to pursuer and her husband 1600 merks of principal, and £150 of expenses.—Pursuer appearing by Johnne Forbes, her procurator, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Fol. 40, a.

Caption against Thomas Ferguson for debt.

Complaint by Donald Neische, servitor to William, Earl of Tullibardin, that Thomas Fergusoun of Ballizocan, as principal, Alexander Robertsoun of Inchmagranoch, William Fergusoun of Dercullych, and William Fergusoun of Bellizulland, as cautioners, remain unrelaxed from a horning of 1st December last for not paying to pursuer 500 merks of principal and £50 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, there is order to the Captain of the Guard as above.

[1] For antecedents of this Captain John Mason, see *ante*, Vol. IX. by the Index. He had come to Scotland first in July 1610, with three ships, to assist Bishop Knox in his future proceedings in his Lieutenancy over the Western Isles (IX. p. xxx and p. 18); and since then he had been employed in various services on the Western and Northern Coasts, not without emoluments and profits to himself.

Caption against Jardine of Applegirth for debt.

Complaint by Thomas Lindsay, merchant, burgess of Edinburgh, that Johnne Jerdane of Apilgirth remains unrelaxed from a horning of 22nd May last for not paying to pursuer £1322 of principal and £120 of expenses, together with the annualrent for the said principal, "as it comes to ten of the hundreth," till date of payment; and also £70 of principal and £20 of expenses.—Pursuer appearing personally, and defender not appearing, there is order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta June 1615-Mar. 1616. Fol. 40, b.

Caption against Aulay Macaulay and others for non-removal.

Complaint by Umphra Noble of Ardardane, that Aulay M°Aulay in Stukdownoble, James M°Queven there, and Johnne M°Ilvorie there, remain unrelaxed from a horning of 22nd March 1614 for not removing themselves and their households from the lands of Stokdownoble.—Pursuer appearing personally, and defenders not appearing, there is order to the Captain of the Guard as above. Fol. 41, a.

Caption against Mr. John Aikman, minister, for non-fulfilment of contract and for evading ward.

Complaint by James Dalzell, merchant, burgess of Edinburgh, that Mr. Johnne Aikman, minister at Twynam, remains unrelaxed from a horning of 24th January 1614 for not fulfilling a contract of 2nd April 1613, and for not entering his person again in ward within the Tolbooth of Edinburgh, "in als good estaite he wes the tyme he wes wairdit thairin of before at the said complenaris instance," and causing "buik him thairin in the jevellouris buikis, as use is, at the instance of the said James Dalzell, James Arnote, and James Neisbit, thairin to remane ay and quhill thay be satisfeit and payit of the sowmes of money quhairfore he wes wairdit at thair instance, and be relevit of sic thingis as thay and ilkane of thame hes to lay to his chairge"; and also for not paying to pursuer £300 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 41, b.

Caption against George Moscrop for debt.

Complaint by M^r^ Johnne Ker in Hieriggis, assignee constituted by James Ker of Bewlie, that George Moscrop, burgess of Jedburgh, as principal, and Robert Ker of Newtoun, as cautioner, remain unrelaxed from a horning of 14th August instant for not paying to pursuer, as assignee, 500 merks of principal and 100 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, there is order to the Captain of the Guard as above.

To denounce Alexander Horsburgh, eldest son of Horsburgh of that Ilk, for violent conduct to his father and brothers.

Complaint by the King's Advocate, and Alexander Horsburgh of that Ilk, as follows:—Alexander Horsburgh, eldest son of pursuer, has "most unnaturallie, unkyndlie, and unthankfullie behavit himself" to pursuer for some years past, not only by "drawing of mony unnecessar and idill actionis of pley," but by seeking "the wraik, ovirthraw, and undoing of his said fatheris house and leving, discendit to him frome so mony progenitoris," to which he "hes bent his haill wittis and endevoris to plote and compas that turne." Defender has "consavit suche a haitrent" of his "awne bretherine," who take their father's Fol. 42, a.

Decreta June 1615–Mar. 1616. Fol. 42, b.

part, and have frustrated his wicked designs, that pursuer fears "that his raige and furie sall cum to suche ane heicht that he sall attempt some violent purpois" against his life. In 1610, he attacked pursuer's son, Waltir Horsburgh, at his own gate with a drawn sword, with which he gave him five deadly wounds and did "mutilat him of his leg," for no just cause of offence, but because "he attendit the said complenair his father, and [fand] fault with his unnaturall doing." Pursuer was forced to send the said Waltir out of the country for safety. At Martinmas last the defender attacked Johnne Horsburgh, son of pursuer, as he was coming from the town of Peblis, and presented a "bendit pistollet" at him; which by the providence of God "haveing misgevin," he set on him with a drawn sword and would have slain him but for his "bettir defence."—Pursuers appearing personally, and defender not appearing, the Lords order defender to be denounced rebel.

Fol. 43, a. Caption against James and William Cockburn for debt.

Complaint by Thomas Fischer, merchant, burgess of Edinburgh, that James Cokburne of Claverhill, as principal, and William Cokburne, notary, portioner of Quhitisland, as cautioner, remain unrelaxed from a horning of 17th July last for not paying to pursuer £124 of principal and 40 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Fol. 43, b. To denounce John M^cCracken and another for assault.

Complaint by Johnne M^cClellane of Arrymen, and Patrik Adair in Uthre-M^ckeane, as follows:—During the night of 20th May last, Johnne M^cKrakane of Barnefailyie, accompanied by Johnne Campbell Walker, both in arms, waylaid pursuers on the lands of Aird, and cruelly attacked them with drawn swords, "mutilat thame both of both thair left handis, gaif the said Johnne M^cClellane twa deidlie woundis in the body, ane in the head, and hurte and woundit him in his richt airme, and in divers utheris pairtis."—Pursuers appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels.

To denounce David Johnston in Howgill and others for deforcement of a messenger and assault.

Complaint by James Johnnstoun, messenger, Thomas Johnnstoun in Kennilhead, Archibald Johnnstoun, merchant, burgess of Edinburgh, and James Johnnstoun, his son, as follows:—David Johnnstoun, now in Howgill, having remained unrelaxed from a horning for not paying a certain sum of money to Archibald and James Johnnstoun, letters of poinding

Fol. 44, a.

were raised against him by them. On 28th July last the said James Johnnstoun, messenger, accompanied by Thomas Johnnstoun, as a witness, went to the lands of Howgill, and apprehended a brown horse which belonged to defender. While leading it to the head burgh of the shire "for appryseing the same thairat," he was attacked by David Johnnstoun, George Johnnstoun, his son-in-law, James Johnnstoun of Stephinbigging, Symone and James Johnnston, sons of Robert Johnnstoun of Kirkhill, and Adam Moffet, servitor to the said David, with others to the number of fourteen persons, all armed. They "pullit him af ane meare quhair-

upoun he read for the tyme, schamefullie and unhonnestlie strak and dang him with feit and handis, and maisterfullie and perforce reft and away took not onlie from him his awne meare, bot also schamefullie and unhonnestlie strak and dang the said Thomas Johnnstoun upoun divers pairtis of his body, left him for deid, and most violentlie reft frome the the said messinger and his colligis the said broun horse."—The said Archibald Johnnstoun, and James Johnnstoun, messenger, appearing for pursuers, and defenders not appearing, the Lords order the said defenders to be denounced rebels. Decreta June 1615–Mar. 1616.

Caption against Lyon of Auldbar and others for debt.

Complaint by Henry Rae, tailor, burgess of Edinburgh, that Johnne Lyoun of Auldbar, as principal, and Mr. James Stewart of Tullois, as cautioner, remain unrelaxed from a horning of 20th June last for not paying to pursuer, and to Purves, his spouse, £100 of principal and £20 of expenses; also that Thomas Lyoun, brother of the said Johnne, and the said Johnne Lyoun and Mr. James Stewart, remain unrelaxed from a horning of same date for not procuring for pursuer a discharge of the band, dated 28th January 1614, made by him, as cautioner for the said Thomas to Isaak Patirsoun, for £54 of principal and £20 of expenses, and for not paying £10 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 44, b.

Three Monros assoilzied from a charge of wearing fire-arms.

Complaint by the King's Advocate, that George Monro of Catwall, Hucheoun Monro of Urquhart, and George Monro of Tarlathie have on several occasions borne hagbuts and pistollets, despite the acts thereanent.—Pursuer and defenders being personally present, the Lords assoilzie defenders, who have denied the charge on oath. Fol. 45, a.

Archibald Primrose against Christian Wood.

Complaint by Archibald Prymrois, writer, as follows:—Pursuer has orderly "comprisit" the tack of the teinds of the barony of Largo, formerly belonging to Andro Wood of Largo—[*follows an exact reproduction of Decretum on 25th August* 1613, *with this alteration:—for* "the Lords give power to Henry M^cKiesoun," *&c., read,* "the Lords give power to Thomas Alexander in " *&c.*]. Henry M^cKiesoun appears as procurator for defenders, as on former occasion.

Prosecution of John Leslie of Wardes and John Leslie of Boquhan for reset of George Leslie of Auldcraig and others, at the horn for the slaughter of Mr. George Leith.

Complaint by the King's Advocate, "and Helene Leith, as relict, and George Leith, as sone, Johnne Leith of Harthill, for himselff and as father, with the remanent kin and freindis, of umquhill Mr. George Leith, and Mr. William Leith of Newlandis, tutour to the said George Leith," as follows:—On 15th March and 5th April 1609, Johnne Leslie of Wairdes had found caution for Johnne Leslie, fear of Boquhen, and also Johnne Leslie of Boquhen, younger, had become cautioner for the said Johnne Leslie of Wairdes, Johnne Leslie, elder, of Boquhen, his father, Williame Leslie in Tocher, Andro Leslie in Brigend, Johnne Leslie in Durnoch, and Patrik and Bartill Leslie in Chaippeltown of Leslie—the said Johnne Leslie, elder, Johnne Leslie, fear of Boquhen, and Johnne Leslie of Wairdes, each for 2000 merks, Fol. 46, a.

Decreta June 1615–Mar. 1616.

and the others each for 300 merks,—not to reset George Leslie of Auldcraig, Alexander Arbuthnot, son of the late James Arbuthnot of Lentusche, and Johnne Duncane, servitor to the said George Leslie, during their remaining at the horn for the murder of Mr. George Leith. Nevertheless, in January 1614, the said Johnne Leslie of Wairdes sent Robert Abircrombie at the mill of Pitmeddin and William Abircrombie in Kemmellis to the said George Leslie, to tell him to go to William Leslie at the mill of Buchanstoun, and to receive from him "ane broun cursour horse belonging to the said Laird of Wairdes; quhilk

Fol. 46, b.

accordinglie wes done be the said George." In the same month, the said laird sent his servant Thomas Andirsoun to the said George to invite him to his place of Wardes. The said rebel complied, and was entertained by the laird and his lady "in the same place and seller thairof." In January 1609, the said Johnne Leslie, younger, of Boquhen, sheltered him at his place of Fettirneir "the space of xxiiij houris or thairby"; in April last he kept company with him publicly "at ane brydill at the mylne of Auchorteis"; and in April or May last he went to the Laird of Wairdes, when he was at his place of Tullifour, and "delt" with him to settle a quarrel which was standing between the laird and the said George, anent some letters wherein the latter had said that the Laird "wes the onlie movair of him to committ the said slauchter." In July last, the said Johnne Leslie of Wardes, and Johnne Leslie, younger, of Boquhen, "forgadderit" with the said George in the town of Innerrurie,—"at the least thay then send thair messageis unto him with Johnne Leslie of Balcarne and Johnne Forbes of Logy, and ressavit bak frome him the answer thairof with the same beraris." In May last, the said persons held a similar conference with the said George at Abirdene. On 13th June last, the said Laird of Wardes, and the Laird of Boquhen, younger, went to the kirk of Oyne, and borrowed from James Leslie of Ryhill the sum of 300 merks, which they sent immediately to Auldcraig to the said George, by Johnne Gordoun, servant of the Laird of Wardes. In March 1613, the said William Leslie in Tocher reset the said rebel, and entertained him

Fol. 47, a.

"at his table" for several days.—The King's Advocate appearing, and Mr. Williame Leith appearing for himself and as tutor to the said George Leith, and Leith, apparent of Harthill, appearing in name of his father and the rest of the pursuers, and the defenders also being personally present, it was urged by Johnne Leslie, apparent of Boquhen, that he had conferred with the said rebel because Johnne Leith of Harthill had given a special warrant to Sir James Balfour to "deal" with him that the quarrel might be settled, and that the meeting at Fetterneir was for that purpose. The defender was content to leave proof of this warrant and of his conduct to the oath of Johnne Leith. The Lords agree to this; but, as the said Johnne through illness

Fol. 47, b.

and infirmity cannot be present, they appoint a commission of the bailies of Aberdeen to take his oath thereupon in the tolbooth of

their burgh on 13th September next, and to report in writing to the Lords. From the other charges the Lords assoilzie defenders. Decreta June 1615–Mar. 1616.

James Lennox against the Provost and Bailies of Stirling for illegal imprisonment.

Complaint by James Lennox, messenger at Sanct Ninianis kirk, as follows:—Letters of horning had been issued against Duncane Patirsoun, provost of Striveling, who owed Elizabeth Patirsoun, his sister, a certain sum of money, and had not made payment. Pursuer, who was employed Fol. 48, a. to execute the same, gave due intimation to defender, and warned him that he would denounce him rebel if he heeded not the charge. Defender pretended he had a suspension of the same, but would not show it to pursuer, and on 16th August instant threatened "to do him ane evill turne in caice he preist." On the 18th of this month pursuer accordingly denounced defender at the market cross of Striveling. Next day, while pursuer was going down the High Street, he was apprehended by three officers, who had been sent by the direction of the said provost, and Christopher Alexander and Alexander Allane, bailies of the burgh. He was committed to the tolbooth, and there remains "in strait prisone."—The provost and bailies of Stirling, appearing personally, and Fol. 48, b. presenting the pursuer before the Council, allege that they apprehended him "for ane unmanerlie insolence committit be him aganis Duncane Patirsoun, provest of the burgh of Striveling, by debarring of the said provest furth of the counsalhous of the said burgh, and preising to rasche the dure upoun his face." This they verified by producing two acts of court, of 19th and 21st August last, signed by Johne Robene, notary public and clerk depute of the burgh, "bearing the tryall, cognitioun, and probatioun," and the sentence.—The Lords order defenders to liberate pursuer; and they free him from the fine of £40, but admonish him "to carry him selff with gritter respect, reverence, and regaird to the provest and bailleis of the said burgh nor formarlie he hes done."

Commission for the apprehension and trial of Jonet Johnston, charged with witchcraft in Queensferry.

Commissions. Fol. 213, a.

Commission under the Signet, signed by the Chancellor, St. Androis, Scone, Bining, Jo: Prestoun, and A. Drummond, to Sir Waltir Dundas of that Ilk, Johne Dundas of Newlistoun, M^r^ James Dundas of Dudingstoun, and George Logane, bailie of the Quenisferrie, with the assistance and presence of Mr. Johnne Gibbesoun, minister at Dalmany, to apprehend and try Jonet Johnnstoun in Quenisferrie, suspected of being a witch, and against whom there are sundry detestable charges of practising witchcraft upon divers persons in and about Quenisferrie (see p. 335).

Commission for the trial of Malcolm M^c^Geddes for murder.

Fol. 213, b.

Commission under the Signet, signed by the Chancellor, Sanctandrois, Scone, Binning, Jo: Prestoun, and A. Drumond, to the provost and bailies of Lynlythgow, to try Malcolme M^c^Geddes, lockman of the said burgh, who was apprehended on 3rd July last for the murder of Robert Lakope, beggar, on the said day.

Dispensation for serving William Baillie of Lamington heir to his

Fol. 214 a.

Dispensation to the sheriffs of Lanark, &c., and to the sheriff of Edinburgh within the Constabulary of Hadingtoun, in favour of William Baillie, now of Lamyntoun, that despite his minority he be served heir to his late father, Sir William Baillie of Lamyntoun, knight, in his

Commissions. Fol. 214, b.

lands, of which some are held of the Crown—without prejudice to the Crown rights of ward and relief. Given under the Signet, and signed by the Chancellor, St. Androis, Binning, Jo: Prestoun, A. Drummond, and Sir W. Oliphant. Composition, ten merks. — father, though a minor.

"Ane commissioun of schirefship for Edinburgh Principall to James Richardsoun of Smetoun, to indure to Lambmes nixt. Daitit at Edinburgh the 23rd of August 1615." — Interim Sheriffship of Edinburgh.

"Ane commissioun for the Constabularie of Hadingtoun of the tennour and date foirsaid to the Laird of Hirdmestoun." — Ditto of Haddington.

"Ane commissioun for the schirefdome of Lynlythqw of the tennour and date foirsaid to Sir Johnne Hamiltoun of the Grange." — Ditto of Linlithgow.

"Ane commissioun of the tennour and daite foirsaid for the schirefdome of Dunbartane to Johnne Grahame of Killerne." — Ditto of Dumbarton.

"Ane commissioun of the tennour and daite foirsaid for the schirefdome of Drumfreis to the Laird of Lag." — Ditto of Dumfries.

"A letter to be writtin to his Majestie in favouris of Thomas Foullis." — Thomas Foullis.

Sederunts. Fol. 122, b.

"The proclamatioun anent the concurrence of the inhabitantis within the schirefdomes of Air, Renfrew, Bute, and Dunbartane for the present expeditioun of the Yllis continewit with consent of the Lieutennent till he see yf thair be a necessitie of thair concurrence in his service and that the pouer and forceis of the rebellis is so grite that the Lieutennent be his present forceis is not able to resist the same." — Western Burghs and the Expedition against the Isles.

"The quhilk day the Thesaurair Depute with advise of the Counsell aggreit with for the ship formarlie pertening to Capitane Maisoun upoun the price and soume of aucht hundreth merkis to be payit be him for the said ship." — Sale of a ship.

"Certane missives frome his Majestie concerning the service of Yla." [See *Book of Isles* under the date 22nd August.] — Service of the Isles.

"Ane missive frome his Majestie concerning Robert Maxwell." — Robert Maxwell.

Decreta June 1615–Mar. 1616. Fol. 49, a.

Sederunt—Glencarne; Lotheane; Binning; Master of Elphinstoun; President; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Bruntiland. — Edinburgh, 13th September 1615.

Complaint by the King's Advocate, and M^r^ Patrik Lindsay, advocate, as follows:—On 11th August last, Alexander Lindsay of Vane, accompanied by William Marschell in Balquhairne, both armed and bearing pistollets, lay in wait for pursuer on his high way between Balhall and , and in the evening "brak at him upoun horsbak and with drawne swerdis." He was struck on the back, and was compelled to dismount to defend himself. Thereupon they aimed pistollets at him "and preist to haif schote the same at him, hurte and woundit him on the left hand." —Pursuers appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels. — To denounce Lindsay of Vane and another for assault on Mr Patrick Lindsay, advocate.

Complaint by James Burrowman, collier in Eisthousis, Gawin and James Burrowman, his sons, Marioun Burrowman, his daughter, and — To denounce Gilbert Berner and

Duncan Menteith for assault on James Burrowman and others.

Margaret Layng, colliers in Eisthousis, as follows:—On a day in August last, while returning homewards to the Eisthousis from Culros "in quiet maner," they were overtaken and cruelly assaulted "with rungis and battonis" by Gilbert Berner and Duncane Monteith, servitors to Robert Maistertoun, bailie of Culrois.—James Burrowman appearing for pursuers, and defenders not appearing, the Lords order defenders to be denounced rebels. Decreta June 1615–Mar. 1616.

Caption against Robert Gray of Cramslie for debt.

Complaint by Alexander Hervie, merchant, burgess of Edinburgh, and James, Sara, and Issobell Cunynghame, children and executors of the late George Cunynghame, burgess of the said burgh, and Johnne Cunynghame in Deldarroch, tutor for their interest, that Robert Gray of Cramslie remains unrelaxed from a horning of 25th August for not relieving them at the hands of Katherine Prestoun, relict and executrix of Johnne Moreisoun, merchant, burgess of Edinburgh, of 3000 merks of principal and £300 of expenses; also of the expenses which pursuers have sustained or shall sustain; and for not paying to the said Alexander Hervie half of the above sums, as well as for not paying to the said James, Sara, and Issobell, and their tutor, the other half.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 49, b. Fol. 50, a.

Complaint by Adam Gordon of Inverbrochet and others against William Forbes of Boharm and others for assault.

Complaint by Adame Gordoun of Inverbrochet, and George Simpsoun and Cuthbert Fraser, his servants, as follows:—Pursuer holds the lands of Inverbwchet heritably. On 3rd August Johnne Forbes of Bocham [Bocharm], Patrik and Alexander Forbes, his sons, William Forbes in Bocham, William Andirsoun there, and Duncane Nicoll there, with others, "all bodin and furnist with bowis, twa handit swerdis, durkis, and utheris wapponis invasive," lay in several companies in wait for pursuer; and, "howsoone thay persavit the saidis complenairis approche neir the boundis of his landis quhair thay wer casting eard," they came forth, joined themselves together, and fiercely set upon pursuers. They "schote arrowis at thame, and than with drawne swerdis cruellie and unmercifullie invaidit and persewit thame of thair lyveis."—Adam Gordoun appearing for pursuers, and Johnne Forbes of Bocham, Patrik Forbes, his son, William Forbes in Bocham, and William Andirsoun, being likewise present, the Lords assoilzie defenders. The Lords excuse the absence of Alexander Forbes, because of his illness and inability to travel, as stated in a testimonial, and verified before the Council by Andro Ker, minister at Inverbuchett, one of the subscribers to the said testimonial. The Lords furthermore order Adam Gordoun and Johnne Forbes, for themselves and for their friends, to find caution to keep the peace, the former in 5000 merks and the latter in 3000 merks, and to remain in Edinburgh till they find the same. Fol. 50, b.

Caption against a number of persons (chiefly Johnstones),

Complaint by Robert Johnnstoun of Wamfray, Marioun Montgomerie, his spouse, and Symeoun Johnnstoun, Nicoll Johnnstoun, and Katherine Hutcheoun, their tenants of a part of their lands of Wamfray, that Fol. 51, a.

Decreta June 1615–Mar. 1616. Fol. 51, a.

William Johnnstoun of Kirkhome, George Johnnstoun, his son, Robert and Archibald Johnnstoun, brothers to the said William, David Grahame in Wamfray Gait, Johnne Johnnstoun in Cleughsyde, and Rowie Batie, remain unrelaxed from a horning of 12th March 1611 for not appearing before the Council to answer the charge of going, "with convocatioun of his Majesteis leigeis," to the place of Wamfray at night and committing certain acts of oppression: also that Nicoll Johnnstoun in Sauchtreis, Johnne Johnnstoun there, George and Bessie Johnestoun in Staywood, Gilbert Johnnstoun in Rigsyd, Margaret Graham, Petir Johnnstoun and Jok Johnnstoun in Kailrigis, Adam Johnnstoun in Bighillis, James Schaw and Thome Bell in Stephanbigging, David Glendoning and Adam Moffett in Cleuchsyd, Johnne Johnnstoun there, Robert Thomesoun, Jok Gillespie and Mortoun in Howgill, David Johnnstoun in Betok, William Johnnstoun in Kirkhill, James Johnnstoun in Hissilbank, Johne Haliday, Robert Grahame, Thome Bradie, Gawne Bradie in Darnholmshaw, Johnne Johnnstoun in Leverhay, William, Archibald, Johnne, Gilbert, and Robert Johnnstone, his sons, Johnne Johnnstoun in Helbeckis, Niniane Johnestoun in Colmestoun Stak, James Johnnstoun in Stephinbigging, Frances Johnnstoun, Margaret Adamsoun in Hungriehillis, Matthew Moffet in Cammok, David Johnnstoun in Brownhillis, David and Johnne Johnnstoun, his sons, and Matthew Ranik, remain unrelaxed from a horning of 15th May 1611 for not paying to the said laird of Wamfray the profits of lands mentioned in said letters of horning, or the price of the same, together with £12 of expenses; and also that Johnne Johnnstoun in Laverhay, Williame, Johnne, James, Gilbert, Robert, and Archibald Johnnstoun, his sons, there, Jok Johnnstoun there, Robert Grahame there, Nicoll Thomesoun there, David Johnnstoun in Betok, Jok Johnnstoun, his son, there, Robert Grahame in Howgill, Johnne Haliday there, Jok Mortoun there, Robert Thomesoun there, Jok Johnnstoun in Cleughsyde, David Glendoning and Johnne Gillespie there, William Johnnstoun in Kirkhill, William Johnnstoun, "callit Cuddeis Will," there, Helene Hutcheoun there, James Johnnstoun in Stephinbigging, James Schaw and Thome Bell there, Mathew Moffet in Cammok, Johnne Johnnstoun in Hilbek, Arthour Corrie there, Francie Johnnstoun in Hungriehillis, Mathew Ranik in Wanloppis, Thomas Bryding there, Margaret Adamsoun in Hungriehillis, James Johnnstoun in Hessilbank, Niniane Johnnstoun and Gibbie Johnnstoun in Langsyde, Bessie Johnnstoun, and George Johnnstoun, his spouse, in Staywood, Jok Johnnstoun in Sauchtreis, Patrik Johnnstoun in Kelrigis, Margaret Johnnstoun there, Jok Johnnstoun there, Paull Redik there, Adam Johnestoun in Wamfra Gait, Robert and Johnne Johnnstone, his sons, David Johnnstoun in Bromehillis, David and Johnne Johnnstone, his sons, Jok Richie in Dernholmeschaw, Gawin Bryding there, Johnne Bryding, Johnne M°Kynnell, and Symon Johnnstoun in Bighillis remain unrelaxed from a horning of 18th January 1610 for not removing themselves and households from the lands of the said Robert Johnnstoun of

Fol. 51, b.

at the instance of Robert Johnstone of Wamphray, for oppression, non-payment of rent, &c.

Wamfray mentioned in the said letters of horning.—The said Robert Johnnstoun appearing for pursuers, and defenders not appearing, the Lords order the Captain of the Guard to apprehend Johnne Johnnstoun of Cleuchsyd, Nicoll Johnnstoun in Sauchtreis, David Glendoning in Cleughsyd, Johnne Johnnstoun there, William Johnnstoun in Kirkhill, Robert Grahame, Gawin Briding in Dernschaw, Johnne Johnnstoun in Leverhay, Archibald, Johnne, Gilbert, and Robert Johnnstone, his sons, Niniane Johnnstoun in Colmstounstak, James Johnnstoun in Stephanbigging, James Schaw there, Francie Johnnstoun in Nethir Kirkhill, William Johnnstoun, "callit of Kirkholme," George Johnnstoun, his son, Robert and Archibald Johnnstoun, his brothers, Johnne Johnnstoun there, George and Bessie Johnnstone in Staywood, Jok Johnnstoun in Kelrigis, Adam Moffet in Cleuchsyd, Jok Gillespie and Jok Mortoun in Howgill, David Johnnstoun in Betok, Gawne Johnnstoun in Tounfute, Helene Huchesoun in Kirkhill, and Mathew Renik, seize their houses, and inventory their goods for the King's use. Decreta June 1615–Mar. 1616. Fol. 52, a.

Alexander Stevenson against John Morison for assault.

Complaint by Alexander Stevinsoun, writer, indweller in Striveling, as follows:—On 22nd May last, while pursuer was walking on the High Street of Striveling, Johne Moresoun, son of William Moresoun, cooper in Sterling, came, by direction of his said father, from his father's house "with a grite stane of sex pund wecht," and "slang" the same at pursuer before he was aware of his presence. Pursuer was hit on the right side of the face and was felled to the ground. His lips were cut, and he received a "deidlie wound abone the richt ee, out of the quhilk wound in the head tua bones wer takin; and he now remanis undir the cure of the chirurgianes, in grite hasard and perell of his lyff."—Pursuer and defenders appearing personally, the Lords assoilzie defenders, because the bailies of Striveling had already tried the case and had found the said Alexander to be "in wyte of his awne blood," as proved by production of a rolment of court of 26th May last. Fol. 52, b.

Order for the liberation of John Paterson in Leith, in prison for an assault on John Paterson of Kilpunt.

Complaint by Johnne Patirsoun in Leyth, as follows:—The bailies of Leyth, on receiving a complaint from Johnne Patirsoun of Kilpunt that pursuer had assaulted the said Johnne in July last, apprehended pursuer, and placed him in the tolbooth of Leith, where he remained for three days and three nights. Pursuer was then carried to the Tolbooth of Edinburgh, where he has been detained for a month. Pursuer had done nothing to the said Johnne except in way of self-defence. He is "a verie mean man, who hes no moyenes to interteny him selff in the said waird," and has often asked the bailies to liberate him, but in vain.—Johnne Maknaucht, bailie of Edinburgh, appearing and producing the pursuer, and the said John Patirsoun of Kilpunt being also present, the Lords order the Provost and Bailies of Edinburgh to liberate their prisoner, because he has "actit him selff undir the pane of ane thousand pundis and banisheing the Kingis Majesteis dominionis" that he shall not molest the said Johnne Patirsoun of Kilpunt. Fol. 53, a.

The Forbeses of Boharm

Complaint by Johnne Forbes of Buquhame [Bocharm], and Patrik and Fol. 53, b.

Decreta June 1615–Mar. 1616.

Alexander Forbes, his sons, that Adam Gordoun of Glenbuchet, George Symsoun, Cuthbert Fraser, James Innes, Alexander Robertsoun, and Johnne Barrie, his domestic servants, and Johnne Lind in Balnaglak, on 3rd August last, came with others, all in arms, to the lands of Buquhame, and there assaulted pursuers, wounding the said Patrik and Alexander in the head and other parts, and "staying" the pursuers in taking away the "dovattis cassin and wyn be thame upoun the saidis landis."—Pursuers not appearing, defenders, who appear personally, protest that they shall not be held liable to further proceedings; and the Lords admit the protest (*ante*, p. 390).

against Adam Gordon of Glenbucket and others.

Commissions. Fol. 231, b.

Licence to James Skrymgeour, son of Johne Skrymgeour of Dudop, James Haliburtoun, son of Haliburtoun of Pitcur, and William Grahame, son of Grahame of Claverhouse, to go abroad and remain for three years, without skaith to their persons or goods for so doing,—provided they behave themselves as dutiful subjects during their absence. Given under the Signet, and signed by Glencarne, Lotheane, Jo: Prestoun, Binning, A. Elphingstoun, Alexander Hay, Sir [A]. Drummond, and W. Alexander.

Licence to James Scrymgeour, James Haliburton, and William Graham, to go abroad.

Sederunts. Fol. 122, b.

"Ane missive to the Marquis of Huntley for keiping of Loquhaber free of the rebellis of Ila."

Marquis of Huntly.

Acta Mar. 1615–Aug. 1617. Fol. 13, b.

[Sederunt not recorded.]

Edinburgh, 15th September 1615.

"Forsamekle as, thair being some actionis and questionis of laite standing betuix Pringle of Bukholme, on the ane pairt, and Alexander Stewart of Fawlishoip, on the other pairt, thay disdaneing to follow oute thair actionis be the ordinair course of law and justice, and preferring a lawles, insolent and violent forme of proceiding to his Majesteis obedyence and peace of the cuntrie, thay laitlie upoun the xiij of this instant convocat and assemblit togidder thair freindis and kynnismen to a grite nomber, armed with hacquebutis and pistollettis, and with this unlauchfull conventioun come to the landis of Tynneis, the one for sheiring, and the other to withstand the sheiring, of some cornis growand upoun the saidis landis; whairupoun grite inconvenientis wer lyke to haif fallin oute betuix thame wer not the schireff of Selkirk come more spedilie and stayit the same. Quhilk being a mater of verie bad example, that in this tyme of uni[versall] peace throughout this haill kingdome suche oppin insolencyis sould be committit within the hairt of the cuntrey, thairfoir suche examplair ordour sould be tane thairwith as may terrifie otheris to committ the lyke. For whilk purpois the Lordis of Secreit Counsaill ordanis lettiris to be direct chargeing bothe the saidis pairtyis to compeir personalie befoir the saidis Lordis upoun the fourte day of October nixttocome, to answer to the premisis, and to undirly suche ordour as salbe tane thairanent, undir the pane of rebellioun, &c., with certificatioun, &c. And in the meantyme to command and charge bothe the saidis pairtyis that

Proceedings against Pringle of Buckholm and Stewart of Falshope for illegal convocation and disturbance of the peace.

Fol. 14, a.

thay, for thame selffis and takand the burdyne on thame for thair kin, freindis, pairtye, and pairttakaris whome thay may stop or latt, sall observe oure Soverane Lordis peace, keepe goode reule and quietnes in the cuntrey, and that thay nor nane of thame, nor nane of thair causing, sending, and hounding oute, sall invade or persew one another for quhatsomevir deid, caus, or occasioun, otherwayes nor be ordour of law and justice, ather of thame under the pane of fyve thousand merkis; and forder to command and charge bothe the saidis pairtyis to enter thair personis in warde within the burgh of Edinburgh, and thair to remane and keepe warde, and not to depairt furthe of the same, quhill thay be lauchfullie fred be the saidis Lordis, within xxiiij houris nixtefter the charge, under the pane of rebellioun, &c., and yf thay failyee, &c., to denunce, &c." Acta Mar. 1615–Aug. 1617.

Edinburgh, 4th October 1615.

Sederunt — Chancellor; Lotheane; Binning; President; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Sir Alexander Drummond; Sir Andro Ker.

Charge to the Lairds of Lochinvar and Bargany in the matter of their dispute as to rights of Admiralty in Lochryan and other waters in Galloway.

"Forsamekle as it is understand to the Lordis of Secreit Counsell that, Sir Robert Gordoun of Lochinveir, knight, on the ane pairt, and Kennedie of Barganye, on the other pairt, pretending right and title ather of thame to the admiraltie of Lochryane and of otheris watteris, loghis, and seas within the boundis of Galloway, ather of thame hes proclaimed and appointit admirall courtis to be haldin be thame and thair deputis within the saidis boundis in this instant moneth of October, and thay haif thair kin, freindis, and suche as will do for thame under wairning and in reddynes to accompany and assist thame to hald the saidis courtis, and to withstand and resist ather of thame the other frome holdeing of the saidis courtis, whairupoun grite inconvenientis will not fail to fall oute amangis thame, to the brek of his Majesteis peace and disquieting of the cuntrey, without remeid be providit: Thairfoir ordanis lettiris to be direct chargeing the said Laird of Barganye, and his tutouris and curatouris, yf he ony hes, personalie or at thair duelling places, and the said Laird of Lochinvar be oppin proclamatioun at the mercatt croce of Edinburgh, peir and shoir of Leythe, upoun threescoir dayis wairning, becaus he is presentlie furthe of this realme, to compeir personalie befoir the saidis Lordis upoun the day of to ansuer to the premisis and to underly suche ordour as salbe tane with thame for the peace and quiet of the cuntrey, under the pane of rebellioun, &c., with certificatioun, &c.; and in the meantyme to command, charge, inhibite, and discharge bothe the saidis pairtyis, , officaris and memberis of courte, that nane of thame presoome nor tak upoun hand to hald ony admirall courtis, nor to use or exerce the office of admiralitie, within the saidis boundis, under quhatsomevir cullour, or pretens, quhill the saidis Lordis tak ordour in this mater as appertenis; dischargeing thame thairof Fol. 14, b.

Acta Mar. 1615–Aug. 1617. Fol. 14, b.

and of thair offices in that pairt, and forder under the pane of rebellioun; certifeeing thame," &c.

Charge to William Ker of Grange and Rutherford of Hunthill.

"Forsamekle as the Lordis of Secreit Counsaill ar informit that thair is some appeirance of trouble and unquietnes lyke to fall oute betuix Williame Ker of Grange, Lieutennent of the Gaird that attendis his Majesteis service in the Bordouris, on the ane pairt, and Ruthirfurde of Hunthill, on the other pairt, quhilk will not faill to disturb the peace and quietnes of the cuntrie, without remeid be providit, thairfoir the saidis Lordis ordanis lettiris to be direct chargeing the saidis pairtyis to compeir personalie befoir the saidis Lordis upoun the xxv day of October instant, to answer to the premisis, and to underly suche ordour as salbe tane thairanent, under the pane of rebellioun, &c., with certificatioun, &c."

Decreta June 1615–Mar. 1616. Fol. 54, a.

[Sederunt as recorded above.]

Edinburgh, 4th October 1615.

In the matter of Alexander and Andrew Leslie, charged by Leith of Harthill with reset of George Leslie of Auldcraig, at the horn for the slaughter of Mr. George Leith.

Complaint by Alexander Leslie of Auchorsk, and Andro Leslie in the Hill of Crymont, that letters of horning have been wrongously issued against them, at the instance of the King's Advocate and Johnne Leith of Harthill, father, with the relict, son, and brother of the late Mr George Leith (*ante*, p. 386). Pursuers were not lawfully charged to appear before the Council; yet they had found caution to appear this day, the said Alexander in £500, and the said Andro in 300 merks.—Pursuers appearing personally, and defenders appearing by William Symsoun, their procurator, and the King's Advocate being likewise present, and the said William Symsoun having produced the letters of horning, which stated that the said Alexander had kept company with George Leslie of Auldcraig at Pitcaple in May 1615 "at the bridill of the Laird of Pitcaplis suster," and also in the dwelling house of George Glenny at the mill of Auchortes, and that Andro Leslie in March last had reset the said George in his house of Crymont, and had kept company with him for 24 hours, and that he afterwards brought a message from the said George to the Laird of Pitcaple: the Lords suspend the process of horning, and assoilzie the said Alexander from the charge of conferring with the said rebel at Pitcaple. They also assoilzie the said Andro from the charges of reset, &c. They excuse the said Alexander for being in company with the said George in the house of George Glenny, as he has shown on oath that he went to that house to seek , minister, and did not know the said George Leslie was there, and that he drank with those who were within the house,—"the said George Leslie being in company with thame for the tyme." The Lords, however, order the two to find caution,—the said Alexander for 500 merks, and the said Andro for £100,—not to reset the rebels.

Fol. 54, b.

Caption against Archibald Cunninghame for debt.

Fol. 55, a.

Complaint by Adame Steill, flesher, burgess of Edinburgh, that Archibald Cunynghame, master porter of the Castle of Edinburgh, remains unrelaxed from a horning of 12th September last for not paying to

pursuer £76, 12s.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta June 1615–Mar. 1616. Fol. 55, b.

Continuation of action by the minister and parishioners of Troqueer against Lord Herries and others.

The Lords continue to 2nd November next the action of the "stewart deputis of the Stewartrie of Kirkcudbricht" and the minister and parishioners of Troqueir against Johnne, Lord Hereis, Edward Maxwell, his brother, Johnne Coultart in Engilstoun, and others, for staying pursuers from taking down a bell in the kirk of Kirkgunzeane and delivering the same to the minister and parishioners, and for doing bodily harm to the said minister and some of the parishioners. "Off the quhilk continewatioun M^r Harbert Gledstanes, minister at Troqueir, in name of the saidis persewaris, and William Hammiltoun, servitor to the said Lord Hereis, and who compeirit as procuratour for him and the remanent defendairis, being personally present, ar wairnit *apud acta.*"

James Aistie, miller in Aberdour, against Andrew Stewart for assault.

Complaint by James Astie, miller at the West Mylne of Abirdour, and Maws Alexander, his spouse, as follows:—On a day of the present month, the pursuer, while walking peaceably on the High Street of the town of Aberdour, was attacked by Andro Stewart, messenger in Bruntiland, who was "furneist with a pykit staulf and a durk," and therewith wounded pursuer in the head. Pursuer's wife, "preising to have stayit the said Andro of his furie," was wounded in the left hand by defender's dirk.—Pursuers and defender appearing, the Lords find the charge not proven, and assoilzie defender.

Counter-action against the said James Aistie by the said Andrew Stewart and others.

Complaint by Robert Stirk, messenger, Adam Man, his servant, Andro Stewart, messenger, and James Rouch, "lorymer" in Abirdour, as follows:—The said Robert was employed by Thomas Baxter, burgess of Bruntiland, to execute a poinding against James Aistie, miller at the West Mylne of Abirdour, and accordingly proceeded on 18th August last to the lands of the said mill. He there apprehended and "comprisit" a horse belonging to defender, which he afterwards led to Abirdour and placed in a stable, there to remain till the morning, when he should take it to the market cross of Couper. The defender "pat violent hand in the said Robert Adam, the said messingeris servand," took the stable-key from him, "schamefullie and unhonnestlie strak and dang him with a grite sting," and would have succeeded in taking away the said "poind," if he had not been stayed by some people present. When the said Robert "in a verie modest maner" desired defender to desist from his insolent proceedings, he got answer, "Gang hang your selff; fartis in your teith; and the Kingis blais, he cairit not for it": and thereupon was attacked by defender most outrageously. Also, on 5th September, the said Andro Stewart, messenger, having gone to the said mill lands to execute a poinding against defender, at the instance of James Rouch, "lorymer," apprehended two horses belonging to defender; but, while leading them "throw the toun of Abirdour to the mercat croce of Couper," he was met by Robert Wardane and William Hammiltoun, servants of defender, armed with "staulffs and stingis," who "not onlie stayit the poind from Fol. 56, b.

Decreta June 1615–Mar. 1616.

going fordwart, bot also preist to haif taikin the said poind from the said messinger." Afterwards the messenger was attacked in Couper by defender with "a grite trie," and wounded in the head and other parts. Defender, being "put fra" the pursuer by the inhabitants of the toun, went to his house for a sword, and, returning, committed a fierce assault on pursuer. On the morning of the 6th, defender lay in wait for the said Andro on the road between Dunfermeling and Bruntiland; but, "missing the said Andro Stewart, and forgaddering with the said James Rouch, who had come furth of the town of Abirdour to haif forwairnit the said messinger of his skaith," he assaulted him with a sword, and would have slain him but for the interference of some people present.—Pursuers appearing, and defender appearing for himself and his said servants, the Lords find the striking of the said Robert and the "invasioun" of the said Andro proven, and order defender to be committed to ward within the Tolbooth of Edinburgh, and there to remain at his own expense during the pleasure of the Lords, and further to find caution for 300 merks to keep the peace.

Fol. 57, b.

Gilbert Auchterlonie committed to ward for assault on William Buchan.

Complaint by William Buchane, burgess of the burgh of Arbroith, that on 13th September, while on the lands of Pouderlafeild, alone and unarmed, he was met by Gilbert Auchtirlony in Muredrum, "bodin in feir of weir with swerd, gantillat, quhinzeair, and utheris wapponis," and, after many "injurious speichis," was hit and hurt in the face by the guards of the defender's sword. Defender thereafter drew his sword, attacked pursuer, and would have slain him but for the interference of some people who were present.—Both parties being present, the Lords find the charge proven, and order defender to be committed to the Tolbooth of Edinburgh, and to remain there at his own expense, "ay and quhill he be fynit to the King and the pairtie," and till he find caution for 1000 merks for the indemnity of the said party.

Fol. 58, a.

Robert Williamson against the bailies of Kinghorn for wrongful imprisonment.

Complaint by Robert Williamsoun, *alias* Smyth, son of Thomas Williamsoun *alias* Smyth, burgess of Kinghorne, that on 30th September last he was apprehended by the bailies of the burgh of Kinghorne, and placed in the tolbooth there, "quhair he is keipit and detenit be thame in strait waird within the irnehouse." No one is permitted to have access to him, "as gif he wer a notable malefactour." Pursuer has committed no crime, and no sentence has been passed against him.—Andro Sym and Johnne Boiswell, bailies of Kinghorne, appearing and presenting the said Robert to the Council, and having stated that they had apprehended pursuer on the complaint of Patrik Bule, indweller in Kinghorne, whom he had hurt and wounded, and that they had committed him till he found caution for the indemnity of the said Patrik, the Lords order the said bailies to release pursuer, and order the said Robert and the said Patrik Bule (who was present) to find caution, the former for £100 and the latter for £40, and not to depart from Edinburgh till they have found the same.

James Moffett

Complaint by James Moffet in Carnehill, as follows:—Johnne Mure-

against John Muirhead for assault.

head of Brydanehill, out of hatred to pursuer, lay in wait for him on Sunday 24th September instant while he was going to his parish kirk of Monkland "for heiring of the word of God," and, attacking him with a drawn sword, wounded him in the hand and "craig."—Both parties being present, and defender having produced an act of court of the justices of peace of the sheriffdom of Lanrik, which showed that defender was censured for his offence and sentenced to pay £20 to pursuer, and also that pursuer was "unlawit" in the sum of £3 for not appearing before the said justices of the peace to pursue his action, the Lords sustain the proceedings of the said justices, and order defender to pay to pursuer £10 "by and attour" the £20 already named, and to remain in Edinburgh till he pay the same. They order further that both parties find cautioun,—defender for 500 merks, and pursuer for 100 merks. Decreta June 1615–Mar. 1616. Fol. 58, b.

Submission of a dispute between David M°Gill of Cranstoun-Riddell and Sir William Hart.

This day appeared David M°Gill of Cranstounriddell, for himself and his brother Mr. Johnne M°Gill and his friends, and Sir Williame Hairt of Prestoun, "Justice to our Soverane Lord," for himself, children, and friends, and submitted the following to the decision of the persons after-named:—The said Sir William had raised an action before the Lords of Council against the said David, his brother, and friends and tenants, anent their coming to pursuer's house of Prestoun, when he was "in his Majesteis service at Glasgow for the tyme," breaking the barn doors, and taking a quantity of corn and straw thairfrom; and for other "eleistis" standing between them concerning lands and teinds. Both parties are willing to submit their complaints to Mr. Johnne Prestoun of Pennycook, President of the Colledge of Justice, and Sir William Oliphant of Newtoun, knight, the King's Advocate, with power to choose an oversman at their first meeting; and, if they cannot agree on an oversman, or if they and the oversman cannot agree on a decision, then the Lords are to be oversmen in this matter.—The said Lords accept the submission, and appoint 18th October instant for meeting on the ground of the said lands to consider the respective claims. Their decision, or a report of the causes of their disagreement, will be given before 14th November next. Fol. 59, a. Fol. 59, b.

Submission of a dispute between Pringle of Buckholm and Alexander Stewart of Falshope.

This day appeared Johnne Pringle of Bukholme, for himself, his friends, tenants, and others, and Alexander Stewart of Fawlishop, for himself, his friends, tenants, and others, and submitted "certane pointis of oppressioun, injurie, and wrang committit be ather of thame aganis utheris," and all "eleistis" standing unsettled, to the decision of David Creichtoun of Lugtown and Logane of Coitfeild (chosen by the said Johnne Pringle), Andro Ker of Fentoun and James Lawsoun of Carnemure (chosen by the said Alexander Stewart). The said parties promise to have their said friends in Edinburgh on 1st November next to accept this submission, and that they shall appear before the Lords on the following morning and report "anent the said acceptatioune." The arbiters shall have power to elect an oversman, and, if they cannot agree Fol. 60, a.

Decreta June 1615–Mar. 1616. Fol. 63, b.

upon an oversman or upon their decree, they shall report the causes thereof to the Council within 40 days.

Charge for the appearance of Thomas Scott in connection with the feud between Pringle of Buckholm and Stewart of Falshope.

Because, "in the submissioun now past betuix Johnne Pringle of Bukholme, on the ane pairt, and Alexander Stewart of Fallishoip, on the uther pairt, [*supra*], the said Johnne Pringle hes refuisit to tak burdyne for Thomas Scott in Tynneis, ane of his followairis and dependairis, sua that, gif he ly out and na burdyne be tane for him, or gif he submit not for him selff, the submissioun now past betuix the saidis pairteis will tak no effect, bot the present trouble standing betuix thame wilbe of longer continewance, and will procure the brek of his Majesteis peace, without remeid be providit: thairfore the Lordis of Secrite Counsale ordanis letteris to be direct chairgeing the said Thomas Scott to compeir personalie before the saidis Lordis upoun the secund day of November nixttocum, to heir and sie him decernit to submitt for his pairt all materis questionable betuix him and the said Alexander Stewart."

Commissions. Fol. 214, b.

Commission for the trial of John Scot, a Border outlaw.

Commission under the Signet, signed by the Chancellor, Lotheane, Binning, and Jo: Prestoun, to the Captain of the Guard, the Sheriffs of Drumfreis and Roxburgh, and their deputies, to try Johnne Scot, called "the sukler," who was declared an outlaw at the court of the Commissioners of the Middle Shires held at Jedburgh on 26th April last for not appearing in answer to charges of theft and other crimes, and who was lately apprehended by William Douglas of Drumlangrig within that regality. The Lords order the said William Douglas to hand over his prisoner to the said Commissioners.

Sederunts. Fol. 123, a.

Ogilvy of Findlater made a baron.

"The quhilk day Sir Walter Ogilvy of Findlatter his patent for creating him a barone and Lord of Parliament wes presentit and delyverit unto him, and he ressavit and acknawlegeit as a barone."

Laird of Merton and Ker of Yair.

"Chargeis aganis the Laird of Mertoun and the young goodeman of the Yair to compeir befoir the Counsell."

Decreta June 1615–Mar. 1616. Fol. 60, b.

Edinburgh, 25th October 1615.

Sederunt—Chancellor; Bishop of St. Androis; Binning; President; Clerk of Register; Advocate; Bruntiland; Medop.

To denounce Rutherford of Hunthill for non-appearance.

The Lords, having been informed of the "appeirance of trouble and unquietnes lyke to fall out betuix William Ker of Grange, Lieutennent of his Majesteis Guard that attendis his Heynes service on the Bordouris, on the ane pairt, and Johnne Rutherfurd of Hunthill, on the uther pairt," had summoned the said parties to appear this day (*ante*, p. 395); and now, the said William Ker appearing, and the said Johnne Rutherfurd not appearing, the Lords order the latter to be denounced rebel.

Caption against James Johnston for debt.

Complaint by Mr. Johnne Scrogie, advocate, that James Johnnstoun, son and heir apparent of Thomas Johnnstoun of Brekansyde, remains unrelaxed from a horning of 8th September last for not paying to pursuer 400 merks of principal and £40 of expenses.—Pursuer

appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta June 1615–Mar. 1616. Fol. 61, a.

Caption against William Lauder for debt.

Complaint by Martha Mure, relict and executrix of David Logane, writer, that William Lawder in Belheavin remains unrelaxed from a horning of 21st September last for not paying pursuer £153, 12s. 6d. of principal and £8 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, there is order to the Captain of the Guard as above.

Arthur Houston, burgess of Stirling, against Andrew Kirkwood and others for assault.

Complaint by Arthour Houstoun, burgess of Striveling, and James Lennox, messenger at Sanct Ninianes kirk, as follows:—On 11th September last, the said messenger went with the said Arthour to the house of Andro Kirkwood in Striviling, to execute a poinding against the said Andro, at the said Arthour's instance. The said Andro, accompanied by Robert Hog and Andro Neilsoun, maltmen in Striveling, David Sym there, Duncane Thomesoun, maltman there, Johnne Gib there, and others, all armed, set upon pursuers "with drawne quhinzearis, rungis, and battonis," struck the said Arthour on the shoulder with a "quhinzeair," and left him for dead.—The said Arthour appearing for himself and James Lennox, and Robert Hog and Andro Neilsoun appearing personally, but Andro Kirkwood, David Sym, Duncane Thomesoun, Johnne Gib, defenders, and Andro Cowane, David Miller, Thomas Tailyeour, Johnne Gib, "cultellair," George Richartsoun, Thomas Johnnstoun, and Thomas Adam, witnesses, not appearing, the Lords order the defenders and witnesses who have not appeared to be denounced rebels. Fol. 61, b

Caption against David Spalding for debt.

Complaint by Katherine Weddirburne, relict of William Duncane, surgeon, burgess of Dundie, that David Spalding, skipper, burgess of Dundie, remains unrelaxed from a horning of 30th September 1613 for not paying to pursuer 600 merks of principal and £100 of expenses, and £20 "for ilk chairge."—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 62, a

Caption against John M°Adam for debt.

Complaint by Elspeth Hay, daughter of Johnne Hay of Smeithfeild, that Sir William M°Clellane of Auchlane, knight, as principal, Johnne Broun of Land, James M°Culloch of Drummorrell, and Johnne M°Adam of Preuik, as cautioners, remain unrelaxed from hornings of 27th and 30th June and 1st July 1612 for not paying to pursuer 1940 merks of principal and 200 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and the said Johnne M°Adam not answering his summons to appear, the Lords give order to the Captain of the Guard as above. Fol. 62, b.

James Maxwell of Meikle Airdrie fined for assaulting

Complaint by Thomas Broun, miller at the mill of Prestoun, as follows:—James Maxwell of Mekle Airdrie, having conceived a deadly hatred against pursuer, came on 19th September last to the said mill,

Decreta June 1615–Mar. 1616. Fol. 63, a.

where pursuer was for the time, and attacked him with a great staff, which he broke "in peceis upoun him." Defender then drew his sword, and would have slain pursuer but for the interference of the latter's wife and other persons "thair present for the tyme."—Both parties appearing, the Lords find that defender committed an assault with a "trie," and order him to pay pursuer 20 merks, and also to find caution for 300 merks "for the indempnitie of the said Thomas Broun, his wyff, bairnis, men, tennentis, and servandis, in thair bodyis and goodis."

Commissions. Fol. 215, a.

Commission of the Peace for the Sheriffdom of Lynlithgow to the Chancellor, the Treasurer, the Archbishop of St. Androis, the Lords of the Privy Council and the Senators of the College of Justice, James, Marquis of Hammiltoun, , Earl of Wyntoun, Alexander, Earl of Lynlithgow, James, Earl of Abircorne, , Lord Torphechin, Sir Waltir Dundas of that Ilk, Sir Archibald Stirling of Keir, Douglas of Pumpharstoun, Sir Johnne Hammiltoun of Grange, M^r Alexander Hammiltoun of Kinglas, Sir Johne Bruce of Kincavill, Johne Dundas of Newlistoun, Alexander Hammiltoun of Bynnie, M^r Johne Schairp of Houstoun, and James Cochrane of Babachla; and the said Sir Waltir Dundas to be Keeper of the Rolls. Commission of the Peace for Linlithgowshire.

Fol. 215, b.

Commission under the Signet, signed by Binning and Jo: Prestoun, to the Steward of the Stewartry of the Earldom of Marche and his deputies, to try Thomas King, born in Spott, who was lately apprehended by the said Steward for certain "previe stouthis," and who, on examination before the minister of Colbrandispeth and others, confessed to a number of thefts. 31st October 1615. Commission for the trial of Thomas King for theft.

Minute Book.

The *Minute Book of Processes* gives the following memoranda collectively for the month of October 1615:—

Imprisonment: Allan Waterson against Thomas Kein.

Act ordaining letteris against Thomas Scott to be ane party submitter in the particular betuixt Pringle of Bukholm and Stewart of Falislop.

Ryott: James Astie against Andro Stewart.

Oppression: Sir William Hart against David M^cGill.

Proces: Marquis of Argyle against the magistratis of Glasgow for not forceing Arthour Abbay to make furthcoming his ship for his Majesties service.

Ryott: William Buchan against Gilbert Auchterlony.

Letteris: Advocatt against Andro M^cFarlan and otheris for wearing pistolletis.

Imprisonment: Robert Williamson against baylies of Kinghorn.

Deforcment: Robert Stirk against Robert Wardin.

Rebellion: Adam Steill against Archibald Cuming.

Ryott: James Moffatt against Johne Muirheid.

Suspension: Alexander Lesly against Leith of Harthill.

Rebellion: Martha Muir against William Lauder.

Precognition against Ker of Grang and Rutherfoord of Hunthill. Minute Book.
Ryott: Thomas Broun against Georg Maxwell.
Rebellion: Elspeth Hay against Sir William M^{c}Clellan.
Rebellion: Kathrin Wedderborn against David Spelding.
Ryott: Arthour Houstoun against Andro Kirkwood.
Rebellion: M^{r} Johne Scrogie against James Jonstoun.

[Sederunt not recorded.] Decreta June 1615–Mar. 1616. Fol. 63, b.

Edinburgh, 1st November 1615.

Arbitration in the dispute between Pringle of Buckholm and Stewart of Falshope.

This day appear David Creichtoun of Lugtoun and Andro Logane of Coitfeild, arbiters chosen by Johnne Pringle of Bukholme, and Andro Ker of Fentoun and James Lawsoun of Carnemure, arbiters chosen by Alexander Stewart of [Fawlishope] (*ante*, p. 398), and accept the said submission, and appoint 14th November to be the day for meeting in Edinburgh in Sanctgelis Kirk to hear parties. The said Johnne Pringle and Alexander Stewart, who are also present, promise to appear on that day and to have their claims in readiness to be given in. "*Sic subscritur*: D. Creichtoun, acceptis; Andro Logane of Coitfeild, Andro Ker, acceptis; J. Lawsoun, acceptis; Johnne Pringle of Buckholme; Alexander Stewart, with my hand at the pen led be the notair undirwrittin at my command, becaus I can not write. *Ita est:* Thomas M^{c}Awlay, *no*[*tarius*] *publicus, de speciali mandato dicti Alexandri, scribere nescientis, ut asseruit, testantibus meis signo et subcriptione manualibus.*"

Edinburgh, 2nd November 1615.

Sederunt—Chancellor; Bishop of Sanctandrois; Binning; Privy Seal; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop. Fol. 64, a.

To denounce Thomas Scott.

Thomas Scott not appearing in answer to the summons of 4th October (*ante*, p. 399), the Lords order him to be denounced rebel.

Robert Maxwell of Dinwiddie against Sir William Grierson of Lag.

Complaint by Robert Maxwell of Dynwiddie that Robert Greir in Barndarrauch has wrongously obtained letters of horning against him for an alleged "persute and invasioun." The complaint made by the said Robert was "be the meanis, procurement, and solistatioun of Sir William Greir of Lag," who has a grudge against pursuer, and has been the cause of his misery for the past seven years. Pursuer was put in ward "upoun occasioun of that complaint" within the Castle of Edinburgh, where the late Lord Maxwell, his chief, was also confined. "The said complenair wes, pairtlie by his allureing and flattering speitchis, and pairtlie by threatningis and minassingis, induceit and perswaidit to imbrace that foolische course and interprise of his eschaip and brek of waird, and accordinglie the said complenair eschaipit with him."[1] For this offence pursuer was denounced rebel. Sir William Greir of Lag procured the gift of pursuer's escheat and liferent, seized his lands, "intrometit with the dewtyis thairof," and reduced him to such a "pinche Fol. 64, b.

[1] For the facts of this escape—which was in December 1607,—see *ante*, Vol. VIII. p. 17.

Decreta June 1615–Mar. 1616.

of necessitie that, saulfing his abuilyeamentis and clothing, he has nothing." The said Laird of Lag "hes mellit and intromettit with ten tymes moir of the said complenairis goodis nor the said fyne will extend to"; which "doeth argu a verie unmercifull and uncharitable dispositioun in him." For obedience, pursuer has found caution for payment of the said fine to the Laird of Lag, in case he shall be held liable for the same.—Pursuer and the said Robert Greir appearing, and the Laird of Lag not appearing, the Lords find for the defender, and order the process of horning to be executed against pursuer till he make payment of the said sum.

Sederunts. Fol. 123, a.

"Tua letteris frome his Majestie, one concerning Mr. Patrik Gordoun, the other concerning the Castell of Dunnyvaig." Mr. Patrick Gordon, &c.

Decreta June 1615–Mar. 1616. Fol. 65, a.

Sederunt — Chancellor; Binning; President; Kilsyth; Justice Clerk; Clerk of Register; Advocate; Medop. Edinburgh, 7th November 1615.

Complaint by Harie Stewairt, page to the late Patrik, sometime Earl of Orknay, that, five weeks ago or thereby, the Sheriff of Edinburgh and his deputies caused him to be apprehended and committed to the Tolbooth of Edinburgh, where he has been detained by the Provost and Bailies. Liberation of Harry Stewart, page to the late Earl of Orkney, from Edinburgh Tolbooth.

Fol. 65, b.

Pursuer is a poor boy, who has no means to keep himself in ward, and has done nothing to warrant such proceedings.—Pursuer appearing in charge of Andro Quhyte, gaoler of the Tolbooth, and Mr. James Oliphant and Mr. Lues Stewart, sheriff deputes, not appearing, the Lords order the Provost and Bailies to liberate pursuer.

Complaint by Johne Schaw, "stabler," as follows:—On 24th July last he was committed to the Tolbooth of Edinburgh by a "decrite of removing" obtained from the Provost and Bailies by James Gairne, "littister." Liberation of Patrick Shaw from the Tolbooth of Edinburgh.

Fol. 66, a.

Pursuer, having nothing wherewith to maintain himself in prison, "meanit him selff" to the Lords, and obtained a suspension, by which the said James and the Provost and Bailies were ordered to put him to liberty. The said James has, since the obtaining of the said suspension, put pursuer in prison till he find caution for 500 merks not to molest him and his family. Pursuer is not worth 20s. of free money, and "bot able to perrische quhair he lyis." He has often offered the said caution, but in vain. —Pursuer appearing and producing the said suspension, and defender being also present, the Lords order the Provost and Bailies to put pursuer to liberty, because he has found caution for 300 merks.

Complaint by Mr. Patrik Lindsay, advocate, that Alexander Lindsay of Vane and William Marschell in Balquharne remain unrelaxed from a horning of 7th October for not appearing to answer a charge of wearing hagbuts and pistollets and of assaulting pursuer and wounding him in Caption against Alexander Lindsay and others, at the instance of Mr. Patrick Lindsay, advocate.

Fol. 66, b.

the left hand and other parts (*ante*, p. 389); and also that the said Alexander Lindsay of Vane, Harie Lindsay, his father's brother, and Alexander Lindsay, son of George Lindsay, remain unrelaxed from a horning of same date for failing to find caution for the indemnity of pursuer, his tenants, and his servants,—the said Alexander Lindsay of

Vane in £1000, and the others in £500 each.—Pursuer appearing personally, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Decreta June 1615–Mar. 1616. Fol. 66, b.

Commission for the appresion of John M^c^William Moir in Auchnahyle, and a number of other Highlanders, at the horn for the murder of John and Allaster Stewart.

Commission under the Signet, signed by the Chancellor, Binning, Jo: Prestoun, R. Cokburne, Kilsyth, and Sir A. Drummond, to the Sheriffs of Perth, Forfair, Kincairdin, Abirdene, Bamff, Elgin, Forres, Narne, Innernes, and Cromartie, and their deputies, the provosts and bailies of the burghs within these sheriffdoms, and the Captain and Lieutenant of the Guard, to apprehend and exhibit before the Justice Johne M^c^William Moir in Auchnahyle, Allaster M^c^Innes, his servitor, there, James M^c^William Voir there, Allaster M^c^William Voir there, Allaster M^c^William Voir, son of Johnne M^c^William Voir there, William M^c^Allaster Reoch in Fynryne, Ferquhar M^c^Inrioch in Glenconnaglas, Patrik Roy M^c^Collae there, William M^c^Innes V^c^Gibboun in Erenthlie, Allaster Grant in Wester Innerurie, Johne Gordoun there, James Grant in Delnabo, James M^c^Inriach in Eister Innerchebitt, David Grassich in Capeathe, Ferquhair M^c^Gibboun, tailor in Auchlone, James M^c^Caphiliche in Wester Gawlairge, "Johnne, William, and Allane M^c^Gawlarichis, *alias* M^c^William Begis in Gawlariche," Thomas M^c^Aphiliche there, Johne Bane M^c^Andro there, V^c^Innes in Dalivorar, William M^c^Eane V^c^Innes in Ballebeg, Thomas M^c^Eane V^c^Innes there, Johnne Dow M^c^Innes in Fynryne, Allaster M^c^James V^c^Innes in Glenconnoglas, Allaster M^c^Eane V^c^Innes there, James Bane M^c^Allaster V^c^Innes there, Allan M^c^Innes in Creachlie, Allaster Gordoun in Kirkmichaell in Strathowne, Johne Roche M^c^Gowne, elder, in Auchleakin, Finla M^c^Grymmen in Ballenyden, James M^c^Grymmen there, Patrik Dow M^c^William V^c^Age there, William M^c^Innes, servitor to Allaster Grant in Wester Inirrurie, Johne Bane M^c^Comes V^c^Age there, Johne M^c^William V^c^Age there, Allaster M^c^Condochie Moir there, Allaster M^c^Kercher V^c^Comes Roy there, Johne M^c^Phatrik Veig there, James M^c^Phatrik Weig there, Duncane Gibbanach in Delnabo, Robert Grant, brother of James Grant in Delnabo, Donald M^c^Grassiche there, Robert Dow *alias* Grant there, Robert Dow M^c^Andro there, Johnne Bane there, Duncane M^c^Eane Rioche in Glenbroun, Thomas M^c^Lauchlane there, Johne M^c^Kercher there, Johne M^c^Gillimichaell there, Thomas M^c^Oneill V^c^Kercher, Patrik M^c^Age Moir in Thomebrek, Johne Dow M^c^Enreoche in Tomachlagane, Johne Grant, his servant, there, Patrik Dow M^c^William Moir there, Johne M^c^Robie Mitchell in Eister Innerchebett, Archibald Ramsay in Wester Innerchebet, Allaster M^c^Lauchlane V^c^Condochie there, Andro M^c^Collae in Lacothie, Allaster M^c^James V^c^Innes there, Allaster Roy M^c^Collae, then in Cornegald, now in Newie, Donald M^c^Allaster Voir in Eister Camdole, William M^c^James Voir there, Allaster M^c^James Voir there, Allaster Keill M^c^Collae there, Allaster M^c^Phatrik Voir in Achlome, Johne M^c^Gillimichaell there, Lauchlane M^c^Innes in Ruthven, and Patrik M^c^Inteir there, who were put to the horn on 6th October last, at Commissions. Fol. 216, a.

Commissions. the instance of Elspeth Stewart, relict, and Johne Stewart, son, of the late Johne Stewart, James, George, and Robert Stewart, brothers, and the remaining kin of the late Johne and Allaster Stewart, sons of the late George Stewart in Drumquhen, for not finding caution for their appearance before the Justice in answer to the charge of murdering the said Johne and Allaster Stewart.

Fol. 217, a. Commission under the Signet, signed by the Chancellor, Binning, Jo: Prestoun, R. Cokburne, Kilsyth, Alexander Hay, and Sir A. Drummond, to the Sheriff of Roxburgh and his deputies, Alexander Cranstoun of Moreistoun, and Douglas, apparent of Bonejedburgh, to apprehend, and exhibit before the Justice, Johnne Scot of Kirkhousis, and Robert Scot, eldest son of the Goodman of Salensyd, who were put to the horn on 16th September 1614, at the instance of Agnes Williamsoun, relict of William Elphinstoun, servitor to William, Lord Cranstoun, Cuthbert Elphinstoun, his son, Clement Elphinstoun, for himself and as brother to the deceased, Johnne and George Elphinstoun, also brothers, and the remaining kin, for not finding caution to appear before the Justice in answer to the charge of cruelly assaulting the said William and Clement Elphinstoun, and thereby causing the death of the said William.[1] Commission for the apprehension of John Scott of Kirkhouse and William Scott, at the horn since September 1614 for assault and slaughter.

Sederunts. Fol. 123, b. "Ane missive to the Lord Gordoun anent the persute of M^{c}Rannald." MacRannald.

Acta Mar. 1615–Aug. 1617. Fol. 14, b. *Sederunt*—Bishop of Sanctandrois; Bishop of Glasgow; Binning; Scone; President; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsaythe; Medop; Bruntiland. Edinburgh, 9th November 1615.

"Whereas Frances, Erll of Erroll, upoun most urgent occasionis importeing the weele and standing of his house, in regaird of mony persutis depe[nding] in law aganis him and of otheris actionis whilkis ar to be prosequute at his awne instance, will haif thairupoun necessitie to confer with his advocat and speciall freindis heirupoun, and to tak some forder ordour concerning the provisioun of his mony young childrene and satling of some goode course for the estate of his house,—Thairfoir the Lordis of Secreit Counseill licentis and permittis the said Erll of Errole to repair quietlie in privat sorte to the burgh of Edinburgh, and thair to remayne in some ludgeing, not kytheing ony way in day light upoun the Heigh Streitt, and that for the space of ten dayis after the twentie of November instant and [befoir] the tent of December, so as the said Erll of Errole, returneing to the b[oundis] of his awne confyneing, and being absent onlie ten dayis furth the same, ony tyme befoir the said tent day of December, sall naw[yse] incur ony pane, dangeir, inconvenient, or breatche of that band whairin he and his cautionaris stand bundin for keeping the boundis Licence to the Earl of Errol to come to Edinburgh and remain there privately for ten days.

[1] The entry in the *Book of Sederunts* is as follows:—"Tua commissionis past, the one aganis the slayaris of Steuartis of Boaspik, and the other aganis tua Johnnestonis for the slaughter of Elphinstoun."

prescryved; wheranent the saidis Lordis be thir presentis dispensis. Gevin at Edinburgh the nynt of November 1615." Acta Mar. 1615–Aug. 1617.

Edinburgh, 14th November 1615.

Sederunt—Chancellor; Bishop of Glasgow; Binning; President; Privy Seal; Justice Clerk; Treasurer Depute; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop. Decreta June 1615–Mar. 1616. Fol. 67, a.

Caption against Maxwell of Teling for debt.

Complaint by Gilbert Gairdin, skipper, burgess of Dundie, that Hew Maxwell of Teling remains unrelaxed from a horning of 7th January for not paying to pursuer 300 merks of principal and 100 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Arbitration between M°Gill of Cranston-Riddell and Sir William Hart.

The Lords of Secret Council, with consent of David M°Gill of Cranstoun Riddell and Sir Williame Hairt of Prestoun, parties, and Mr. Johnne Prestoun of Pennycoke and Sir Williame Oliphant of Newtoun, knight, judges nominated by the said parties in the submission of 4th October last (*ante*, p. 398), prorogue the term of delivery of decree to 23rd November instant.

Dispensation for serving David Barclay of Collarnie heir to his father, though a minor.

Dispensation to the Sheriff of Fyff and his deputies in favour of David Barclay, now of Cullern[i]e, who, despite his minority, is to be served heir to his late father, Mr. David Barclay of Cullernie, in his lands, some of which are held of the Crown—provided no prejudice be done to the Crown rights of ward. Given under the Signet, and signed by the Chancellor, Binning, Alexander Hay, A. Drummond, and Sir G. Murray. Commissions. Fol. 217, a.

Commission of the Peace for Edinburghshire.

Commission of the Peace for the sheriffdom of Edinburgh principal to the Chancellor, the Archbishop of St. Androis, the Lords of Privy Council and the Senators of the College of Justice, William, Earl of Mortoun, Robert, Earl of Lotheane, , Lord Torphechin, Waltir, Lord Bugcleuch, William, Lord Cranstoun, Waltir, Lord Blantyre, Sir George Ramsay of Dalhoussy, Sir George Touris of Garnetullie, David Creichtoun of Lugtoun, Sir James Foullis of Colingtoun, knight, Alexander Lauder of Haltoun, Sir James Dundas of Arnestoun, Sir James Richartsoun of Smetoun, Sinclar, apparent of Roisling, Sir Johne Dalmahoy of that Ilk, Ottirburne, apparent of Reidhall, Sir William Hart of Prestoun, Mr. William Edmestoun of Graycrook, and Mr. Alexander King, advocate; and the said Sir James Dundas of Arnestoun to be keeper of the Rolls.[1] Fol. 223, b.

Wardship of Earl of Cassillis.

"Ane missive to his Majestie acquenting his Majestie with the causis quhairfoir the warde and mariage of the Erll of Cassillis is disponit to the Marquis of Hamiltoun." Sederunts. Fol. 123, b.

[1] The *Book of Sederunts* has this jotting:—"Sir James Dundas nominat convenair of the Justiceis of Peace within the schirefdome of Edinburgh, and young Rosline and young Dalmahoy adjoint to the Commissioun."

Decreta June 1615–Mar. 1616.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Cranstoun; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop. Edinburgh, 16th November 1615.

Fol. 67, b.

Caption against George Gray for debt.

Complaint by Johnne Home, merchant, burgess of Edinburgh, that George Gray in Dundas remains unrelaxed from a horning of 12th November 1614 for not paying to pursuer £101 of principal and 20 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against David Montgomery and his brothers at the instance of Stewart of of Rosland.

Complaint by Johnne Stewart of Roisland, that David Montgomerie in Eister Scottistoun, and Henry and James Montgomerie, his brothers, remain unrelaxed from a horning of 10th March 1603 for not finding caution for 300 merks for the indemnity of pursuer, his tenants, and his servants.—Pursuer appearing by Alexander Stewart, his son, and defenders not appearing, the Lords give order to the Captain of the Guard as above.

Fol. 68, a.

Caption against Bellenden of Pendreich for debt.

Complaint by Gilbert Achesoun, merchant, burgess of Edinburgh, that Johnne Bellindane of Pendreich remains unrelaxed from a horning of 23rd August last for not paying to pursuer £1150, 10s. of principal and £120 of expenses, with £10 for every £100 of principal.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Sinclair of Blans.

Complaint by Alexander Vaus, merchant, burgess of Edinburgh, and Jonet Nicoll, his spouse, that William Sincler of Blans remains unrelaxed from a horning of 9th June 1614 for not fulfilling a contract made between defender, with consent of Margaret Broun, his spouse, and pursuers, dated 27th February and 5th March 1611.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Fol. 77, a.

Suspension of horning against James Kennedy of Crugiltoun.

Complaint by James Kennedy of Crugiltoun that he has been put to the horn wrongously at the instance of Alexander Mortoun in Grenane, and James Glendoning of Mochrum, his master, for his interest, for not appearing before the Council to answer a charge of "violent reving" of 18 score bolls of corn, and also of carrying the said Alexander captive to the place of Crugiltoun, and keeping him there for some time. Pursuer was not lawfully charged to appear; yet, for obedience, he had found caution for 500 merks to appear on 14th November.—Pursuer appearing by William Dumbar, his procurator, and defender not appearing, the Lords suspend the process of horning.

Sederunts, Fol. 124, a.

Sederunt—Chancellor; St. Androis; Glasgow; Binning; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsayth; Medop; Bruntyland; Sir Andro Ker. Edinburgh, 21st November 1615.

Act prohibiting the repair to court of any persons under pretence of suing for debts due to them by his Majesty, and requiring all persons having such claims to exhibit the same in the first place to the Commissioners of his Majesty's Rents, and have them certified.

Acta Mar. 1615–Aug. 1617. Fol. 15, a.

"Forsamekle as it is understand to the Lordis of Secreit Counsaill that thair is grite nomberis of idill and impertinent sutearis who daylie repairis frome this kingdome towardis his Majesteis courte and presence, and in the mids of his Majesteis most important affairis vexis and molestis his Majestie with thair petitionis and suitis, outher for debtis alreddy payit or unjustlie acclamed upoun fals pretendit groundis and pretensis; and whereas thair is no sorte of importunitye more ungratious to his Majestie, nor more derogatorye to the honnour and credite of this his Majesteis antient kingdome, nor that whilk proceidis frome the basse, uncomelie, and frequent resoirt of suche vagrantis and impertinent sutearis to his Majesteis courte and presence; and seeing his Majestie is gratiouslie dispoisit to gif ordour and directioun for satisfactioun of all suche debtis whairin his Majestie is justlie addebtit to ony of his subjectis,—the same debtis being first hard, examined, and considderit be the Lordis Commissionaris of his Majesteis Rentis, and the sutearis thairof being recommendit frome the saidis Lordis to his Majestie with thair declaratioun and testificatioun that the debt craved is a just and trew debt: Thairfoir the Lordis of Secreit Counsaill ordanis lettiris to be direct to officiaris of armes chargeing thame to pas to the mercatt croce of Edinburgh, and otheris placeis neidfull, and thair to command, charge, and inhibite all and sindrie his Majesteis liegeis and subjectis whatsomevir who acclames ony debtis to be awand be his Majestie to thame, that nane of thame presome nor tak upoun hand to resoirt and repair to his Majesteis courte and presence, nor importune his Majestie with thair petitionis and suitis for ony debtis acclamed be thame, quhill first thay acquent the saidis Lordis Commissionaris of his Majesteis Rentis with thair petitionis and suitis for ony debtis acclamed be thame, and with the nature and caus of the debt, and obtene thair recommendatioun and licence to repair to his Majestie for that effect, under the pane of forfeyting and lossing of thair right to that whilk thay acclame, and forder under the pane of punishment of thame in thair personis and goodis at the arbitrement of his Majesteis Counsell."

Edinburgh, 21st November 1615.

[Sederunt as recorded above.]

Decreta June 1615–Mar. 1616. Fol. 69, a.

Caption against Alexander Somerville for debt.

Complaint by Alexander Tailfeir, merchant, burgess of Edinburgh, and Marioun Williamsone, his spous, that Alexander Somervell, servitor to Johnne, Earl of Wigtoun, remains unrelaxed from a horning of 10th July last for not paying to pursuers £130 of principal and £20 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Protest by Hew Crawfurd of Jordanhill.

Complaint by David Urie in the Inche "callit the Kingis Inche," that Hew Crawfurd of Jordanhill had committed an assault on him by "taking of the said David be bothe the luggis, and pulling of thame

Decreta June 1615-Mar. 1616. Fol. 69, b.

with suche force and violence that he had almaist pullit thame out of his head, to the effusioun of his blood in grite quantitie," and thereafter by attacking him with a drawn sword.—Pursuer not appearing, the said Hew Craufurd, who is present, protests that he should not be held to answer further to the letters issued against him; and the Lords admit the protest.

Sederunt—Chancellor; Bishop of St. Androis; Cranstoun; Binning; President; Master of Elphinstoun; Treasurer Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Bruntiland; Sir Andro Ker; Mr. George Young. Edinburgh, 23rd November 1615.

Caption against John Purves for debt.

Complaint by James Ainslie, merchant, burgess of Edinburgh, that Johnne Purves of that Ilk remains unrelaxed from a horning of 21st July last for not paying to pursuer 600 merks of principal and 100 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 70, a.

Action by David Hammilton, late keeper of the Tolbooth of Edinburgh, and Andrew Whyte, present keeper, for the recovery of jail-fees and other expenses from William Scott of Howpaisley, a permanent prisoner in the Tolbooth.

Complaint by David Hammiltoun, servitor to Thomas, Lord Binning, and sometime keeper of the Tolbooth of Edinburgh, and Andro Quhyte, now keeper therof, as follows:—William Scot of Howpaislay has remained for five years in the Tolbooth, "and hes not, nather intendis he to tak ony ordour for his releif, bot to frustrat his haill creditoris, and to spend the remanent of his dayis in waird." During his confinement he has not paid a penny of "jaylour fie." He owes the said David £90 for "jaylour fie and some furnissing"; and he also owes the said Andro £179 16s. 4d. In the meantime Johnne Scot of Newtoun "hes the full intromissioun with the said Williame his leving, makis his interteynment within the Tolbuith, and payis the commoun cookis wha furnisis him, and refuisis altogidder to pay the said David Hammiltoun and Andro Quhyte," who have nothing for "interteneing of suche a nomber of servandis for keiping of the prisonnaris in the Tolbuith bot onlie the jaylour fie." If the pursuers be "this way prejudgeit and defraudit, it wilbe impossible for thame, or ony utheris, to undirtak the keiping of the Tolbuith, and to be answerable for the not eschaip of the

Fol. 70, b.

prisonnaris."—Pursuers and defender appearing, the Lords order the said Johnne Scot of Newtoun to pay over the above mentioned sums to pursuers: "and, tuitching the jaylour fie of the said William in tyme comeing, the saidis Lordis allowis that the said Andro Quhyte suffer no meit nor drink to be brocht to the Tolbuith for the furnissing of the said William quhill ordour be tane, ather be the said William himselff or some other in his name, for payment of his jaylour fie." The said Johnne Scot denies that he had the control of the said William's living, but admits that he had paid for his board in time past. The Lords therefore order that he shall also pay "his bigane jaylour fie."

Action by Alexander McIlvaird and others against Mackintosh of Dunauchtan for the production of certain criminals alleged to be his men.

Decreta June 1615–Mar. 1616.

Complaint by the King's Advocate, Alexander McIlwaird at the Mill of Dolos, William McConachie in the Maynis of Dolos, George Finley in the Leanoche, Johnne McAngus there, Marioun Hay, for herself and as relict of Johnne Clerk in Carveny in the barony of Dolos, William Clerk for himself and as son of the said Johnne, with the remaining kin and friends of the said Johnne Clerk, and Thomas Kennedy of Blakhillis, that Johnne McGirmane in Essich, Johnne McConeill McEane in Danoche, and Allan McEane Dow VcRonnald in Badnoche, remain unrelaxed from hornings of 14th October 1612 and 28th February 1613 for having gone to the lands of the barony of Dolos, and there set on fire Fol. 71, a. a number of houses, murdered the said Johnne Clerk, and committed "divers utheris crymes, oppin heirschippis, and oppressionis." The defenders take no regard of the horning; and, as they are tenants and servants of Lauchlane McIntosche of Dunnauchtane, the said laird should be answerable for their conduct.—The King's Advocate appearing, and the defenders appearing by James Ewing of Altir, and the Laird of Dunnauchtane being also present, the Lords assoilzie the said laird from responsibility for the said Johnne McGirmane, who is not his tenant and servant, and appoint the 21st day of March for presentation by the said laird of his tenants and servants the said Johnne McConeill McEane and Allan McEane Dow VcRonnald. The said James Ewing and the King's Advocate are warned of the said diet.

Mr. James Strauchan against Sir James Kincaid and others for forcible resistance to a King's messenger.

Complaint by the King's Advocate, Mr James Strauchane in Edin- Fol. 71, b. burgh, and Johnne Roishill, messenger, as follows:—The said Mr James employed the said Johnne to execute letters of caption against Sir James Kincaid of that Ilk for not paying to pursuer 2000 merks of principal and £200 of expenses. The messenger proceeded, on 7th November instant, to defender's house of Kinkell, "quhair he wes present for the tyme, and had closit him selff within a chalmer of the said house." The messenger searched the house, and then "choppit at the chalmer dure." In the meantime there came to the house to the aid of defender Captain George Kincaid, uncle of defender, Johnne Kincaid, his brother, Thomas Kincaid, burgess of Glasgow, and Thomas Ros, servitor to defender, with a company of six or seven score persons, armed with "swerdis, staulfis, halbertis, hagbutis and pistolletis." They "cryed to the said Sir James, bidding him come furth and thay sould be his warrand." The messenger, on hearing this, went up to the said George and his accomplices, and charged them in the King's name to assist him in apprehending defender. They, however, not only disdainfully refused, Fol. 72, a. but vowed to defend the said Sir James "both *be* the law and *by* [*i.e.*, despite] the law, so lang as thair hals wes upoun thair headis"; and the said Captain George said he "wald not gif a sex penes for the King nor his lawis." Then, "the said Sir James persaveing so grite a nomber of his freindis to be within and about the house, he airmed him selff with a secrite steilbonnet, a pair of pistolletis at his belt, and ane bendit muscat in his hand, oppynit the chalmer dure, come through the

Decreta June 1615–Mar. 1616.

hall, avowing with mony horrible aithis that, gif ony man preist to lay handis on him, that he sould haif thair lyf"; and, "when he come to the hall dure, he being stayed and layd handis on be the messinger and those who were [with] him, the personis foirsaidis presentit the pointis of thair halbertis and staulfis unto him, and forceit thame, for preservatioun and saulftie of thair lyveis, to suffer the said Sir James to go frie."—Pursuers appearing personally, and defenders not appearing, the Lords find the complaint proven, and order Captain George, Johnne, and Thomas Kincaid, and Thomas Ros, to be charged to enter their persons within the Tolbooth of Edinburgh within 6 days, and to remain there at their own expense till further order be made.

Fol. 72, b.

Government prosecution of a number of persons in the Western Shires for usury.

Complaint by the King's Advocate as follows:—On 30th June last, pursuer obtained decrees of Council and Session against Johnne Mitchell, in Dippilburne, Thomas Busbie, merchant in Air, Johnne Crookis, merchant in Kilmarnok, Johnne Duncane, wright, there, William M°Spiddane in Windiehill, Adam Somervell in Tounheid of Ranthrow, Alexander M°Cullie there, Arthour Mairtene in Ingilstoun, Waltir Parkhill in Craiginforth, Gawin Mure in Ingilstoun, Margaret Stewart, relict of Johne Mertene, there, Johnne Parkhill in Craginhashe, Henry Pinkertoun in Wodnuk of Ralstoun, Thomas Kepill in Auldhall of Ralstoun, Quintene Kennedy of Balkeny, Quintene Dik in Quhythill, Issobell Campbell in Crafertstoun, Johnne M°Koche in Cassillis, William Goddie at the Mill of Kirkmichaell, William Stewart, merchant in Air, Waltir Richie there, Archibald George, provost of Irwing, and William Hendirsoun there, for contravening the acts against taking more "annuel rent or proffeit for the money gevin out be thame nor ten for the hundreth." Pursuer has called defenders before the Council to

Fol. 73, a.

receive due punishment.—Pursuer appearing personally, and the said Johnne Mitchell appearing, but the other defenders not appearing, the Lords order those who have not appeared to be denounced rebels, and command the said Johnne Mitchell to remain in Edinburgh till he arrange with the Treasurer concerning his escheat.

Arbitration between Pringle of Buckholm and Stewart of Falshope.

Johnne Pringle of Buckhome and Alexander Stewart of Fallishoip appear, and, with consent of the arbiters chosen on 4th October last (*ante*, p. 398), nominate Sir William Levingstoun of Kilsyth as oversman. The said Sir William having accepted the office, the Lords, to suit his convenience, and with consent of parties, postpone the day of delivery of decree to 3rd February next.[1]

Acta Mar. 1615–Aug. 1617. Fol. 15, a.

"In the Chappell of Haliruidhous, the xxvj day of November 1615, in presence of divers of the Nobilitie, Counsaill, Senatoris of the Colledge of Justice, Baronis, and Gentilmen.[2]

Oath of allegiance and of homage to his Majesty taken by the Archbishops of St. Andrews and

"The quhilk day, Johnne, Archiebischop of Sanctandrois, and James, Archiebischop of Glasgu, maid and gaif thair oathe of alledgeance, and

[1] The *Book of Sederunts* reads "to the xxiij day of Februair nixt."

[2] "Being Sonday" (*Book of Sederunts*).

Glasgow in Holyrood Chapel.

maid thair homage for thair beneficeis in the chappell of Haliruid-hous, immediatlie after the sermone (whilk wes maid be Williame, Bischop of Galloway) to Alexander, Erll of Dunfermelyne, Lord Heich Chancellair of Scotland, his Majesteis Commissionair specialie nominat be his commissioun under the grite seal for taking of the said oathe and homage. Quhilk commissioun wes publictlie red in audience of all these convenit and being present at sermone for the tyme. Acta Mar. 1615–Aug. 1617. Fol. 15, b.

The oathe of alledgeance and supremacie of the prelattis of Scotland, and the forme and ordour of geving of the oathe.

The Bischop, kneilling upoun his knees befoir the Commissionaris knees, sall lay his right hand upoun the Bible, whilk salbe then held be another Bischop, lykewayes kneilling befoir the Commissionair, and sall gif the oathe following:—

I, A, nominat be the Kingis Majestie, and now consecrat bishop of B, do utterlie testifie and declair on my conscience that the Kingis Majestie is the onlie supreame governour of this realme and of all otheris his Heynes realmes and dominionis, alsweele in spirituall or ecclesiasticall thingis or causis as temporall, and that no foreyne prince, persone, prelate, state, or potentat hathe or aught to haif ony jurisdictioun, pouer, superioritie, preeminence, or authoritie, ecclesiasticall or spirituall, within this realme. And thairfoir I do utterlie renunce and foirsaik all foreyne jurisdictionis, pouers, superiorityis, and auctoriteis, and do promeis that frome hensfurthe I sall beare faithe and trew alledgeance to the Kingis Majestie, his airis and lauchfull successoris, and to my pouer sall assist and defend all jurisdictioun, previlegeis, preeminenceis, and auctoriteis grantit and belonging to the Kingis Majestie, his airis and successoris, as united and anext to the crowne of this realme.

Then the Bischop sall hald up his twa handis togidder at the Commissionaris knees, and the Commissionair with his handis sall cover the Bischoppis handis, and the Bischop sall proceede in his oathe as follows:—

And forder I confes to haif and to hold the said Bischo[ppis] haill landis and possessionis of the same under God, ... Majestie, and his crowne royall of Scotland. And for the said possessionis I do my homage presentlie unto you [his Majesteis] speciall Commissionair appointit in his Majesteis name to [ressave] the same. And unto his Majestie, his airis and lauchful successouris, salbe evir faithfull and trew. So help m[e God], and be the holie contentis of this Booke."[1]

Edinburgh, 28th November 1615.[2]

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgu; Glencairne; Abircorne; Lotheane; Binning; President; Master of Elphinstoun; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Kilsayth; Bruntyland; Clerk of Register; Medop; Mr. George Young. Fol. 16, a.

[1] See *Wodrow Miscellany*, i. p. 599.

[2] The MS. of the *Acta* from this entry onwards is in a different hand from that which precedes; and the spelling is somewhat more modern.

Acta June 1615–Mar. 1616.

Charge for preservation of the peace between Mr. John Leslie of Newton and Sir Robert Forrester.

"Forsameikle as the Lordis of Secrete Counsaill ar suirlie informed that of late thair hes past some challangeis and provocationis betuix Mr. Johne Leslie of Newtoun, on the [ane] pairt, and Sir Robert Forrestar of Strathanrie, on the uther pairt, with designatioun of tyme and place of meiting, whilk hes bene verie hardlie prevented and stayed be the travellis of some weill affectit gentlemen who gatt some knawledge and notice thairof; lyke as thir personis, yitt continewing in thair distemperit passionis and humoris, intendis to renew thair challengeis, and to do what in thame lyis to distroye the peace of the countrey, without remeid be providit: Thairfoir the saidis Lordis ordanis lettiris to be direct to command and chairge bothe the saidis pairties to compeir personallie befoir the saidis Lordis upoun the fyft day of December nixttocome, being Twisday, to underly suche ordour as salbe tane with thame tuitcheing the observatioun of his Majesteis peace and keiping of goode reule and quietnes in the cuntrey, under the pane of rebellioun, &c., with certificatioun, &c. And in the meanetyme to command and chairge both the saidis pairties to observe our Soverane Lordis peace, keepe good reule and quietnes in the cuntrey, and that they nor nane of thame presome nor tak upoun hand to invade or persew the ane another for whatsomever deid, caus, or occasioun, nor to direct nor to attempt ony challange, be word, write or message, the ane to or fra the other, nor to keep ony tryst or meiting to that effect. And, yf ony challenge or cairtaill salbe direct and send be ather of thame to the other, that the pairty challengit bring the same challenge with thame and exhibite it before the saidis Lordis the day foirsaid under the paines following: viz. the said Mr. Johne Leslie under the pane of fyve thowsand merkis, and the said Sir Robert Forrestair under the pane of three thowsand merkis, with certificatioun," &c.

Decreta June 1615–Mar. 1616. Fol. 73, b.

[Sederunt as recorded above.]

Edinburgh, 28th November 1615.

Suspension of letters of treason against John Gordon of Pitlurg.

Complaint by Johnne Gordoun of Pitlurg, as follows:—Pursuer is informed that letters of treason have been directed against him for not appearing before the Council on a certain day, to answer a charge of "contempning and misregairding of his Majesteis auctoritie and lawis, throw his alledgeit remaneing and lying at the proces of horne." Pursuer was denounced rebel at the instance of George, Earl of Marschell, and Dame Margaret Ogilbie, Countess of Marschell, for his alleged failure to fulfil a contract concerning certain lands; and a long time ago he "meanit" himself to the Lords of Council and Session, and obtained a suspension of the said horning. He thought that the production of this relaxation by his procurator would have been sufficient defence against the sentence aforesaid, and would have excused his presence before the Lords,—"he not being rebell for ony uther caus quhatsumever." The Lords, however, have found that pursuer ought to have appeared personally, and have therefore given the aforesaid decree. Although the said relaxation is and will be a sufficient defence, yet for obedience he

had found caution for £500 to appear this day to answer the charge of contempt.—Pursuer appearing personally, and the Treasurer Depute and the King's Advocate being also present, the Lords suspend the decree and letters of treason. Decreta June 1615–Mar. 1616.

Commission for the trial of two Englishmen for horse stealing

Commission under the Signet, signed by the Chancellor, Sanctandrois, Glencarne, James, Bishop of Glasgow, Abircorne, and Lowtheane, to George Afflect of Cumledge, Sheriff Depute of Beruik, to try James and James Buddell, two Englishmen now in his custody, who were apprehended lately in the town of Duns with two mares which they had stolen from Raulf Hall in Heppule. Commissions. Fol. 218, a.

Commission for the apprehension of Thomas Dempster, sometime of Auchterless, and others, at the horn on a charge of murder and robbery.

Commission under the Signet, signed by the Chancellor, St. Androis, James, Bishop of Glasgow, Glencarne, Abircorne, and Lotheane, to the Sheriff of Abirdene and his Deputies, and to Sir Harie Lindsay of Carrestoun, Patrik Barklay of Towie, Thomas Lyell of Murthill, James Ogilby of Birnes, and Urquhart of Latheris, to apprehend and bring to justice Thomas Dempster, sometime of Auchtirles, Robert Dempster of Cushny, James Dempster, son of the late James Dempster, younger, of Auchtirles, William Dempster in Newlogyaltoun, and Johne Grene, servitor to the said Robert Dempster, who were put to the horn on 14th October last, at the instance of James Dempster of Knokleyth, as father, James Dempster, his son, for himself and as brother, Margaret Dempster, as relict, Joane Dempster, relict of Richard Chopman, citizen of Brechin, as sister, Katherine Dempster, also as sister, James Newing, skinner, burgess of Perth, her spouse, for his interest, and others as the remaining kin of the late Johne Dempster, younger, of Knokleyth, for not finding caution to appear before the Justice in answer to the charge of having murdered the said Johne Dempster, and of having wounded his said brother James, and also for having stolen a number of cattle and horses. Fol. 218, b.

Commission for the trial of Margaret Nicolson, a suspected witch.

Commission under the Signet, signed by the Chancellor, Sanctandrois, James, Bishop of Glasgow, Glencarne, Abircorne, and Lothiane, to Alexander, Earl of Home, Sir George Home of Wodderburne, and Archibald Douglas of Toftis, or any two of them, to apprehend and try Margaret Nicolsoun in Birgin, who is suspected of witchcraft, sorcery, enchantment, and other devilish crimes. Fol. 219, a.

Six Islesmen.

"Ane warrand to the Justice to desert the dyet appoint for the tryall of the sax Yllismen broght in be Archibald Campbell." Sederunts. Fol. 124, b.

Edinburgh, 30th November 1615.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Glencarne; Kinghorne; Abircorne; Lotheane; Binning; President; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop; Mr. George Young. Decreta June 1615–Mar. 1616. Fol. 74, a.

Caption against Edward

Complaint by James Menzeis of Sneip, that Edward Baillie of Eistertoun remains unrelaxed from a horning of 22nd July 1611 for

Decreta June 1615–Mar. 1616.

not finding caution for 1000 merks for pursuer's indemnity.—Pursuer appearing, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Baillie for not finding indemnity.

Fol. 74, b.

Complaint having been made to his Majesty, "on the behalff of the skipparis and sea fairing [men] of the toun of Leith, anent the mater of thair portage, quhairin thay alledgeit to be distrest and prejudgit be the Magistratis of the burgh of Edinburgh," his Majesty had "at lenth considderit of that mater"; but, "his other important effairis not spairing tyme nor laser to determine thairin," hearing and consideration had been referred to the Lords of Council; by whom charge had been given for the personal appearance before them on a certain day past of William Rig, William Speir, James Arnote, and Nicoll Uddart, Bailies of Edinburgh, on the one part, and James Home, skipper in Leyth, and Johnne Young, writer, "who wer send up as commissionaris frome the toun of Leith to his Majestie in this errand," with charge also to the said James Home and Johnne Young "to have brocht with thame suche of the skippairis of Leith as had ony greifis aganis the burgh of Edinburgh,"—said skippers of Leyth "lykwyse to have brocht with thame; and to have impairted unto the saidis Lordis, quhat other greiveis they have or could alledge aganis the said burgh of Edinburgh." The case had been called on 23rd November past; when, the said Bailies appearing, with David Aikinhead, Dean of Guild, Johnne Byris, Treasurer, and some others of the Council of the burgh, and the said James Home and Johnne Young appearing, with Robert Asslos, Johnne Duff, Johnne Lenkop, George Logane, William Smetoun, and James Bad, skippers in Leyth, the said Johnne Young "purgit him self" that he was not sent by commission from the town of Leyth, but that, being Admiral Clerk, and the dispute "being lyke in some pointis to tuitche the office of Admiralitie," he was desired by Sir Alexander Drummond of Medop, Admirall Depute, to go to court and watch the interests of the Admiralty. At the same time, James Home, having been called upon, in name of the skippers, to say if he had any grievances, had replied that he had, but that the warning had been so short that he had not yet drawn them up formally. He had therefore craved the postponement of the examination; and the Lords had granted the request and appointed 28th November for the case.—On 28th November the said Bailies, Dean of Guild, Treasurer, and some of the Town Council, and the said James Home and the other persons aforesaid, had appeared; and the said James had then handed in the following list of grievances:—

Complaint by the skippers of Leith against the Bailies of Edinburgh, with statement of the grievances which form the matter of the complaint: the Council find they have not jurisdiction in the case.

Fol. 75, a.

Fol. 75, b.

"In the first, the saidis Provest, Bailleis, and Counsaill of Edinburgh daylie troublis and molestis the saidis skippairis of the toun of Leyth, be virtew of generall letteris of horning purchest at thair instance, indirectlie chairgeing thame upoun ane pretendit infeftment grantit to thame be umquhill Robert Logane of Lochstelrig for the tyme,

contening thairintill certane previledgis and liberteis within the said toun of Leith and of the heavin and porte of the same, and upoun certane actis of Parliament introduceit in favouris of burrowis, that no unfremen bot burgesis sall pak or peill, by ony staple wairis or uther merchandice for tapping and selling of the same in smallis, and that no unfremen sould use or exerce the trade and trafficq of merchandice. Quhairupoun thay have reasit letteris of horning chairgeing thame and everie ane of thame to desist and ceis fra all packing, peilling, bying of staple wairis or uther merchandice for bying, taping or selling of the same in smallis, under the pane of horning within fyften dayis, and hes most rigorouslie and unjustlie denuncit us to the horne; hes upoun the said horning tane the giftis of oure eschetis to thair awne use and behoof, howbeit we had nevir at na tyme contravenit nor transgressit the tennour of the saidis actis of Parliament. Nather is thair ony sentence or decrite gevin aganis us in particulair at the instances of the saidis Provest, Bailleis, and Counsall finding and declairing that in sorte we haif transgressit the tennour of the saidis actis of Parliament, or that we have cumit in the contrair thairof be ony maner of way. Maist humelie beseikand thairfore your Lordschipis to dischairge the saidis Provest, Bailleis, and Counsell to trouble and molest us be virtew of the saidis letteris of horning unto the tyme that we be callit at particulair dyetis, and that it be found that we have contravenit the tennour of the saidis actis of Parliament maid in favouris of burrowis. As alsua that it wald pleis your Lordschipis, in respect that we have actioun of reductioun depending at our instances aganis the saidis Provest and Bailleis for retreiting and rescinding of the saidis letteris of horning, executionis, and indorsationis thairof, upoun relevant reasonis, to caus thame renunce and dischairge us of all benefite thay can haif of oure eschetis; and to that effect to caus James Lennox, thair servand, donatour to oure eschetis, to dischairge the same to us *simpliciter*. SECUNDLIE: The saidis Provest, Bailleis, and Counsele of the burgh of Edinburgh, undir the pretext and cullour of thair said infeftment and of the actis of Parliament introduceit in favouris as said is, daylie troublis and molestis us be croceing, fenseing, and arreisting of our portage guidis, and pairtis of laidnings belanging and appertening to us,—alledgeing the same portageis and pairtis of laidningis to fall directlie undir the saidis actis of Parliament,—of useing of the trafficque and trade of merchandice be unfremen, intending thairby that we sall desist and ceis fra hamebringing of ony portage goodis or pairtis laidnyngis both outward and inward, and fra the benefite thairof pertening and belanging to us; quhilk can nevir be comprehendit undir the saidis actis of Parliament, being ane antient custome, libertie, and previledge introducit in favouris of all skipparis and marineris within the kingdome of Scotland past all memorie of man, and quhairof we and oure predicessoris, skippairis and maryneris of Leith, hes bene in use and possessioun fra the merchand estaite of Edinburgh and thair predicessoris since thair wes evir ony trade or traffic of navigatioun

Decreta June 1615–Mar. 1616.

Fol. 76, a.

Decreta June 1615–Mar. 1616.

within the said port of Leith outward and inward. For, as to the said portage goodis, the same consistis onlie of a small quantitie, sum tyme of ane last of goodis at the maist to ilk persone, sum half last, sum les, according to the number of personis, navigatoris, and skippairis, quhilk hes evir bene grantit to thame, and quhairof thay have ben[e] in use and possessioun as ane speciall pairt of thair fraucht and hyre, and maist pairt thairof, both outward and inward, and whilk hes evir fra the beginning of navigatioun bene inseperable thairfra. Sua that the saidis portageis being and hes evir bene sen the first trade of navigatioun within the toun of Leith ane speciall pairt of oure fraucht and hyre, without the quhilk we ar not able to serve in oure calling, and quhairof we and oure predicessoris, skippairis and saillairis of the toun of Leith, hes bene in peciable possessioun fra the merchand estaite within the kingdome, and speciallie fra the merchand estaite within the burgh of Edinburgh, and that for oure good and necessar service in oure navigatioun, and for oure panes and travellis tane thairintill in defence of the merchand and his goodis to the verie hasard of oure lyveis. The said portage goodis, consisting in ane small quantitie as said is, can nevir be comprehendit undir the tennour of the saidis actis of Parliament as useing of trade and trafficque of merchandice be unfremen, we being skippairis and marineris, speciallie in respect we and our predicessoris past all aigeis hes bene in peciable possessioun thairof fra the haill merchand estaite present and in tyme bigane within the burgh of Edinburgh. Quhairby, in all frauchting of schippis, barkis, and crearis be the saidis merchandis of Edinburgh fra the saidis skipparis, marineris, and thair predicessoris in all tymes bigane, thay haif dispensit with the saidis portageis and hes allowit the same to thame as ane pairt of thair fraucht and hyre inseperablie fra thair trade of navigatioun, notwithstanding of the saidis actis of Parliament, sua that now (seing thair awne proper factis and deidis can not come in the contrair thairof) humelie thairfore craveing your Lordschipis to ordane the saidis Provest, Bailleis and Counsaill to desist and ceis fra all forder troubling or molesting of us of oure saidis portage goodis, and in croceing, fenseing or arreisting the same in ony tyme comeing, the samyn being ane speciall libertie and previledge belanging and pertening to us past memorie of man, and quhilk nawyse can be apprehendit undir the tennour of the saidis actis of Parliament as said is, as useing and exerceing the trade and trafficque of merchandice. Lyke as also the said portage goodis are nawyse tapit and sauld be us in smales to unfremen, quhilk micht mak or infer ony derogatioun to the saidis actis of Parliament anent the bying of goodis fra unfremen and tapping the same in smallis; bot be the contrair ar sauld be us in grite to the burgesis of Edinburgh or ony utheris oure Soverane Lordis leigeis: be the selling of the same in grite thay rype the gayne and commoditie thairof. And, as tuitcheing oure pairt laidningis, the same lykwyse can nevir be comprehendit undir the tennour of the saidis actis of Parliament of useing of the trade and trafficque of merchandice, nor

Fol. 76, b.

tuitcheis not the previledge introducit in favouris of frie burrowis, nawyse consisting nather in paking nor peilling nor in bying of stapill wairis nor uther merchandice fra unfremen for taping and selling of the same in smallis agane, nather is the same ane ordinair and daylie trade of merchandice usit be thame, bot fallis out accidentlie to thame upoun necessitie upoun the inhabilitie and impossibilitie of merchandis cheiflie within the said burgh of Edinburgh, quha nather hes abilitie nor possibilitie to fraucht and hyre the haill pairtis of schippis and barkis quhairof thay ar pairtineris. Quhereas gif the samyn wer haill and fullie frauchtit be thame the saidis skippairis wald not be constranit to furneis and mak out the haill laidning and fraucht quhairof thay ar partineris of the saidis schippis; sua that we the saidis skipparis and marineris of schippis within the toun of Leith, quhairof we ar also pairtie awnaris, we ar, in default of the merchandis within the said burgh of Edinburgh, compellit to laidin oure pairtis of the saidis schippis not frauchtit nor hyrit be the said merchandis, least to thair grite hinder, skaith, and prejudice the samyn sould go emptie to the sea. Quhilkis pairteis laidningis, indefault of the frauchting as said is, consistis onlie oftymes in a verie small quantitie of goodis, sumtyme in the aucht or sevint pairt of the laidning of sault, tymmer, or corne or uther grosse merchandice, or of wyne at seldom tymes; and quhilkis ar sauld also in grite be the skipparis and marineris to the merchandis of the said burgh and inhabitantis thairof, and ar nawyse sauld nor tappit in smallis; for the quhilkis portage goodis and pairtie laidningis thay pay also unfremenis customes. Humelie lykwyse beseiking your Lordschipis to decerne the saidis Provest, Bailleis, and Counsaill of Edinburgh to desist and ceis fra all troubling and molesting of us in the useing and disponeing upoun oure said portage goodis and pairtie laidningis at oure pleasoure, and that thay be decernit to desist and ceis fra all croceing or arreisting of the samyn in tyme comeing,—quhilkis pairtie laidningis we ar compellit to use to mak out the haill fraucht indefault of the said burgh of Edinburgh not being willing nor able to fraucht the saidis haill schippis; or utherwyse that the merchandis and partineris of schippis within the said toun of Edinburgh, quhairof we ar also pairtie awnaris oure selffis, be astrictit and obleist in frauchting, hyreing, and conduceing of the saidis haill barkis and schippis quhairof we are pairtineris, and payment of the haill fraucht to us thairfore. Lyke as we ar content in that caice to desist and ceis in all tyme comeing fra the hamebringing of the saidis pairtis laidnyngis: and this we humelie crave of your Lordschipis according to justice."[1]—The Lords had delivered these articles of complaint to the said Bailies of Edinburgh for their consideration, and had appointed the next Council day,—*i.e.*, this 31st November,—for hearing their answer. —And now, both parties appearing, the Bailies answer that the articles are not grievances but rather petitions, that the question of portage had already been decided by the Lords of Council and Session, that the other

Decreta June 1615–Mar. 1616.

Fol. 77, a.

[1] The helpless syntax of this complaint makes the printing difficult.

Decreta June 1615–Mar. 1616.

matters referred to by the articles affect not Edinburgh alone but all the Burghs of the kingdom in their heritable rights and privileges as granted by King and Parliament, and that such questions of heritable right are matters for the decision of the Lords of Council and Session.—The Lords accordingly find "that thay ar no judges competent in this mater," and therefore they remit the same to the proper court.

Commissions. Fol. 219, b.

Commission for the trial of Andrew Wilson for theft.

Commission under the Signet, signed by the Chancellor, Binning, Jo: Prestoun, Murray, and W. Oliphant, to Sir George Touris of Innerleyth, knight, to try Andro Wilsone, [son] of the late Johnne Wilsoun, who was committed to the said Sir George's tolbooth at the West Port on the suspicion of being guilty of theft, resset, and "pykrie," and who has since confessed that he is guilty of sundry acts of common theft.

Sederunts. Fol. 124, b.

Lairds of Unthank and Priorletham.

"Charge aganis Gawine Weymis of Unthank and James Ramsay of Priourletham to compeir befoir the Counsell."

Decreta June 1615–Mar. 1616. Fol. 78, a.

Edinburgh, 5th December 1615.

Sederunt—Chancellor; Bishop of Sanctandrois; Bishop of Glasgow; Glencarne; Abircorne; Binning; President; Treasurer Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Bruntiland.

To denounce Hew Maxwell and Robert Baillie for assault on John M^cCanrig.

Complaint by Johnne M^cCanrig, younger, of Dalpedder, as follows:— On a day in June last, pursuer, when on his way from the bounds of Nithisdaill towards Edinburgh with a pack of wool, rested at dark at the bounds of the lands of Coulter to refresh himself and his horse. About midnight, there came to him Hew Maxwell, uncle of the Laird of Lamyngtoun, and Robert Baillie, natural son of Mathew Baillie of Litlegill, both on horseback and armed; who "efter a verie insolent maner boistit, minassit, and threatnit him to rander his purse unto thame." Pursuer refused; whereupon they dismounted and assaulted him with drawn swords, wounded him in the head and other parts, "mutilat him of his left hand," and left him for dead. Pursuer "hes continewalie sensyne lyne bedfast."—Pursuer appearing personally, and defenders not appearing, the Lords order them to be denounced rebels.

Quarrel between Leslie of Newton and Forrester of Strathenry.

The Lords of Council, having been informed that of late there had passed "some challangeis and provocationis" between Mr. Johnne Leslie of Newtoun and Sir Robert Forrester of Strathenrie, had summoned the said persons to appear before them this day; and now, Mr. Johnne Leslie of Newtoun appearing, and Sir Robert Forrester not appearing, the Lords order the former to give his great and solemn oath and to find caution in 5000 merks that he will direct no challenge to the said Sir Robert, nor answer any coming from him, and, if any are sent to him, that he will inform the Lords of the same with all convenient diligence; and further they order the said Sir Robert to be denounced rebel.

Sederunts. Fol. 124, b.

Captain Wood.

"Ane missive to the King's Majestie, and the other to the Admirall of England, in favouris of Capitane Wode."

MacLean of Duart.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie James, Erll of Glencairne, and actit and oblist him to enter and present Hectour M°Clayne of Dowart befoir the saidis Lordis betuix and Candilmes nixt, to the effect he may mak payment of his Majesties dewitie, under the pane of x^{m} merkis." Sederunts.

Edinburgh, 7th December 1615.

Sederunt—Chancellor; Bishop of Sanctandrois; Lotheane; Blantyre; Binning; President; Privy Seal; Treasurer Depute; Master of Elphinstoun; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medop. Acta Mar. 1615–Aug. 1617. Fol. 16, a.

Charge to Mr. William Watson, minister at Burntisland.

"Forsamekle as, for removing of the dissensionis and reforming the abuses quhilkis hes burste furthe in the toun of Bruntyland this quhyle bigane, the Kingis Majestie hes tane some course and gevin directioun concerning Mr. Williame Watsoun, minister at Bruntyland, to the effect this bussynes tuitcheing the reformatioun of the saidis abuses may with the gritair facilitie and better expeditioun be compassed,—Thairfore the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing the said Mr. Williame to compeir personallie befoir the saidis Lordis upoun the fourtein day of December instant, to heir and see his Majesteis will, pleasour, and directioun intimat and declairit unto him, and he decernit to obey the same, under the pane of rebellioun, &c., with certificatioun &c."

Edinburgh, 7th December 1615.

[Sederunt as recorded above.] Decreta June 1615-Mar. 1616.

Complaint by James Forbes, sometime of Lethentie, against his son Patrick Forbes, and Mr. William Ord of Aberdeen, for breaking into his lodging in Aberdeen and assaulting his servant.

Complaint by James Forbes, sometime of Lethintie, and Margaret Ronaldsoun, his servant, as follows:—Patrik Forbes, pursuer's eldest son, "being unmyndfull, unthankfull, and unworthie of the singular effectioun borne be his father to him," has for long "had ane purpois in his hairt to undo and wraik his said fader." Fol. 79, a. On 13th August last, when pursuer was away from his "ludgeing" in Abirdene, the said defender, accompanied by Mr. William Ord, burgess of Abirdene, went to the said house, in which there was no one but the said servant woman, and broke open the doors with "foirhammeris, axis, and utheris instrumentis." They "intrometit with the said complenairis haill goodis, geir, insicht, plenischeing, and quhat ellis he had thairin; and, the poore woman his said servand preising to have maid resistance to thame, thay cruellie and unmercifullie invaidit and persewit hir of hir lyff, gaif hir mony bauch, bla, and bludy strykis upoun divers pairtis of hir body, and perforce pat hir furth of the said house."—Pursuers appearing by Arthour, Lord Forbes, and defenders not appearing, the Lords find the charges proven, and order defenders to be charged to enter themselves in ward within the Tolbooth of Edinburgh within 15 days, and to remain there at their own expense till further orders be made, under pain of rebellion.

New Complaint by Andrew Ker

Complaint by Andro Ker of Yair, as follows:—The dispute between pursuer and the magistrates of Selkirk, anent the privilege of pasture on

Decreta June 1615–Mar. 1616. Fol. 80, a.

the lands of Crubis, after having been for some time delayed, was settled by the Council on 24th June last, when the right of pasture was granted to pursuer, and the freedom of riding the marches to the bailies of Selkirk (*ante*, p. 341). Nevertheless, on 27th November last, William Turnble, common herd of Selkirk, accompanied by William Donaldsoun, George Haliday, Adam Uigholme, Robert Sheill, Andro Ellot, William Scott, William Thomesoun, all burgesses of Selkirk, came by order of the said magistrates to the said lands and took with them 15 score of cattle, young and old, which they pastured there.—Pursuer appearing personally, and James Mitchelhill, bailie of Selkirk, appearing for himself and for the other defenders, the Lords, understanding that the title to the said lands is still disputed and that no decision has yet been given, remit the matter to the Lords of Council and Session.

of Yair against the magistrates of Selkirk.

Complaint by Johnne Scot of Newtoun, as follows:—The Lords have ordered pursuer to pay the "bigane jaylour fie" due by William Scot of Howpaislet to David Hamiltoun, sometime gaoler, and Andro Quhyte, now gaoler, of the Tolbooth of Edinburgh (*ante*, p. 409), and to be put to the horn if he do not comply within a certain time. Pursuer is Fol. 80, b. "nowther factour nor chalmerlane to the said Williame, nor hes not, nor nevir had, ony intromissioun with his rentis and leving; and thair wes no suche mater verifeit, provin, nor confest be the said complenair." Regarding pursuer's entertainment of the said William while in the Tolbooth, the truth is that, "being the said complenairis neir kynnisman and freind" and "being movit with pitie and compassioun of his hard distresse and fortoun,—he haveing nothing of his awne quhairwith to buy him selff so muche as a penny loiff,"—complainer "gaif him some litle allowance to interteny his naturall lyff, and all that he did in this wes voluntair of his awne frie accord and without ony desert in him." Pursuer's "pitie of his distresse and miserie can nawyse astrict him to do that quhilk nowther law, equitie, nor conscience will bind him to do,—it being lauchfull for the said complenair to gif his geare at his pleasour." —Pursuer and defenders appearing personally, the Lords order the process of horning to be executed against pursuer, "ay and quhill he mak payment to the said David Hammiltoun and Andro Quhyte of the jeveloure fie of William Scot of Howpaislet, addebtit and awand be him preceiding Hallowmes last."

Appeal by John Scott of Newton against the decreet of Council finding him liable for the jail-expenses of William Scott of Howpaislet.

Fol. 81, a.

Complaint by Johnne Chopman, servitor to James Greiff, tenant of Alexander, Earl of Dumferneling, Lord High Chancellor, in the town and lands of Tiftie in the lordship of Fyvie, as follows:—On 26th September last, pursuer was cruelly assaulted at by Walter Maitland in Forterlettir, tenant of George Gordoun of Geycht, who without any provocation gave him "divers deidlie straikis" with a great batton, and left him for dead, "surely beleveing he had bene deid, utherwyse he had not left the said complenair till he had bereft him of his lyff."—Pursuer appearing by Mr. George Seytoun, his procurator, and defender not appearing, the Lords find the charge proven, and order defender to enter

Walter Maitland ordered into ward for assault on John Chapman, servitor to the tenant of Tifty, in the lands of Fyvie.

his person in ward in the Tolbooth of Edinburgh within 15 days, and to remain there at his own expense during the pleasure of the Lords. Decreta June 1615–Mar. 1616. Fol. 81, b.

David and William Bigholme charged with assault on Robert Galloway.

Complaint by Robert Galloway in Tullivady, as follows:—David Bigholme in Banchorie, and William Bigholme, his son, have "consavit a deidlie haitrent" against pursuer. About 11 o'clock on a night in May 1614, the said William Bigholme came by his father's direction to pursuer's lands, where pursuer was walking after supper, and there cruelly assaulted him with a drawn sword, and nearly succeeded in slaying him. On a day in August 1614, the said David and William went armed to the same place, "and thair, the one of thame, undir the cullour and pretext of a counterfoote freindschip, haveing enterit in freindlie speiking with the said complenair, the uther then came behind the said complenairis bak, and with a grite battoun gaif him a grite stryk on the head, and fellit him dead to the ground; and, being lying deid and in swoun upoun the ground, thay brak his richt airme in thrie peiceis, brak also his uther airme, gaif him mony bauch and bla straikis upoun sindrie pairtis of his body, left him for deid," having "reft" from him his "quhinzear" and purse. Pursuer has lain bedfast since, and is altogether unable to get a living.—Pursuer appearing personally, and the said David Bigholme also appearing, the Lords find the charge of assault in the month of August proven, and order the said David to be committed to the Tolbooth of Edinburgh, and to remain there at his own expenses till he exhibit his said son (who has not appeared) and till further order be made.

Case of Adam French of Thornidykes.

This day appeared William Home of Hardeismylne and presented to the Lords Adam Franshe of Thornidykis; whom the Lords "sequestrat" with James, Archbishop of Glasgow, and order to remain with him till further order be made. Alexander Cranstoun of Morestoun, appearing personally, binds himself in £2000 not to remove the said Adam till order be given, and also becomes cautioner in £1000 for the said William Home, and William Moffet, his servant, that they shall remain within the burgh of Edinburgh and the Cannogait till they be orderly freed. Fol. 89, b.

Sir John Home of North Berwick against William Home of Hardiesmill and another for abduction of Adam French, his ward.

Complaint by Sir Johnne Home of Northberuik, "donatour to the waird of mariage" of Adame Fransche of Thornedykis, son and heir of the late Robert Fransche of Thornedykis, as follows:—After the decease of the said Robert, his Majesty placed the said Adam under the care of pursuer, who "hes had suche a respect, cair, and regaird as gaif unto all his freindis contentment and satisfactioun; and he hes remanit with the said complenair and undir his chairge, intertenyit be him at the scole of Hadingtoun and uther pairtis, thir ten or twelf yeiris bygane; and he wantit nothing quhilk micht further his learning or his uther lauchfull exerceisis that become a gentilman of his rank and estaite to haif." But, in November last, William Home of Hardeismylne, and William Moffet, his servant, "be thame selffis, at least thair servandis in thair name," went to the burgh of Hadingtoun, "and craftelie, by flattering and alluring speitchis, quhilkis are pouerfull with young boyis quhair thay find hoipis Fol. 96, b.

Decreta June 1615–Mar. 1616. Fol. 97, a.

or appeirance of libertie, thay tranit him away with thame to sic pairtis as thay pleis, intending now in the tyme of his minoritie to intyse and perswade him to sindrie courseis prejuditiall unto him, and quhilkis may tend to the overthraw of his estaite."—Pursuer appearing personally, and defenders also appearing, who admit that "at the speciall desyre of the said Adam Franche thay tooke him away with thame," the Lords find that defenders have committed a very great offence, "of a most pernitious and wicked preparative and example," and order them to be imprisoned in the Tolbooth of Edinburgh, and to be detained there at their own expense during pleasure.

Commissions. Fol. 222, a.

Commission under the Signet, signed by the Chancellor, Sanctandrois, Lothiane, Blantyre, and Bining, to James, Earl of Glencarne, to try persons suspected of killing red and black fish, smolts, and salmon fry in forbidden time, on the water of Enrick, which has now become "barren and altogidder unproffitable" by said slaughter.

Commission to the Earl of Glencairn to try fishing-poachers.

Sederunts. Fol. 125, a.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Sir Johnne Sinclair of Ratter, and become actit and oblist as cautionar and souirtie for Robert Keythe, servitor to William, Lord Berridaill, that the said Robert sall compeir personalie befoir the saidis Lordis upoun the first Counsaill day of Junij nixttocome and ansuer to ane complaint maid upoun him be the Lord Forbes tuitcheing the herreying of ane falcone nest, under the pane of v^{c} merkis."

Caution for the appearance of Robert Keith.

Decreta June 1615–Mar. 1616. Fol. 82, a.

Sederunt—Chancellor; Bishop of Sanctandrois; Bishop of Glasgow; Glencarne; Lotheane; Binning; Bishop of Caithnes; President; Master of Elphinstoun; Treasurer Depute; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Bruntiland.

Edinburgh, 12th December 1615.

"Forsamekle as, anent the actioun and caus persewit before the Lordis of Secrite Counsale at the instance of Sir Johnne Home of Northberuik, donatour to the waird and marriage of Adam Franshe of Thornydikis, aganis William Home of Hardeismylne, and William Moffet, his servand, for the taking of the said Adam away fra the scoole of Haddingtoun, quhair he wes intertenyed be the said Sir Johnne Home, and for the

Fol. 82, b.

quhilk the said William Home and his said servand wer wairdit within the Tolbuith of Edinburgh [*ante*, p. 422], the said Williame hes now this present day presentit and exhibite the said Adam Frensche before the saidis Lordis, who hes sequestrat him with James, Archibischop of Glasgow, quhill forder ordour be tane with him as appertenis, thairfore the Lordis of Secrite Counsaill ordanis letteris to be direct chairgeing the said Sir Johnne Home of Northberuik to compeir personalie before the saidis Lordis upoun the xix day of December instant, to heir and sie forder ordour tane in the actioun," &c.

Adam French of Thornydykes, ward of Home of North Berwick, put under the charge of the Archbishop of Glasgow.

Complaint by the King's Advocate, William Irwing of Beltie, Harie

To denounce

Alexander Burnet and Robert Irving for violence to William Irving of Beltie and others.

Irwing, his servitor, James Wobster *alias* Robert in Colleis Croce, Johnne Grant, son of Alexander Grant, in Cambie, Robert Irwing of Glassill, and Alexander Irwing, his son, as follows:—On 2nd, 3rd, and 4th August 1614, Alexander Burnet of Craigour, accompanied by Robert Irwing *alias* Duncane Burnett, sometime in Quhytstanes and now in , armed with "swerdis, gantillatis, plaitslevis and utheris wapponis invasive, and with pistolletis on thair bodyis and in their company," went to the lands of Eister Beltie, and to the said William's house there, "lay at await for him, and efter a bragging maner raid athorte his medewis, hanyt girs, and growand coirnis." On 8th August 1614, the same persons returned armed to the said house, and "searcht, socht, and lay at await for him all that day"; and, perceiving the said Harie standing "at his awne yet," they assaulted him with drawn swords, and wounded him in divers parts. On the 9th of the same month, they went, armed with hagbuts and pistolets, to the lands of Colleis Cros; and there, pretending to have a quarrel with the said James Wobster and the said Johnne Grant because they had been produced by the said Robert Irwing of Glassill and his son Alexander as witnesses against the said Alexander before the Lords of Privy Council, they cruelly attacked them and "left thame for deid." On 20th August 1614, the said persons went, armed as before, to the lands of Glassill "callit Bischoppis Stone," and there all that day lay in wait for the said Robert and his said son. On 26th August 1614, the said persons accompanied by Robert Johnnstoun "*alias* callit Ding the Devill," went to the lands of Glassil and searched for the said Robert and his son with intent to kill them; and on the 28th of the same month the said persons went to the lands of Beltie, "and thair efter a verie insolent maner red athorte the said William Irwingis coirnis and about his house, making provocatioun to him to have come furth unto thame, and thair to haif slane him."—The King's Advocate appearing, and the said Robert Irwing of Glassill, and William [Alexander?] Irwing, his son, appearing for themselves and the other pursuers, and defenders not appearing, the Lords order the said Alexander Burnet and Robert Irwing *alias* Duncane Burnett to be denounced rebels.

Decreta June 1615–Mar. 1616. Fol. 82, b.

Fol. 83, a.

Commission for the apprehension of John Balfour and others, at the horn on a charge of murder.

Commission under the Signet, signed by the Chancellor, Sanctandrois, Glencarne, and James, Bishop of Glasgow, to Alexander, Lord Levingstoun, and Alexander Levingstoun of Westquarter, to apprehend and present to justice Johne Balfour in Lany, Johne Fergusoun in Dulatour, Duncane Fergusone there, Johne William *alias* Duncane M^cKilnoser M^cNorser, servitor to Waltir Buchannan in Bochastle, who were put to the horn on 30th November last, at the instance of Patrik and Duncane Levingstoun, as brothers, Donald Balfour, also as brother, and others as kin, of the late Allester Levingstoun in Torrichrombie, for not finding caution to appear before the Justice in answer to the charge of having murdered the said Allester Levingstoun.

Commissions. Fol. 220, a.

Cautions by

Alexander Cranstoun of Moreistoun appears personally and becomes

Sederunts. Fol. 125, a.

Sederunts. Fol. 125, a.

cautioner for Adam Franshe that he shall remain with the Bishop of Glasgow, under the pain of £2000; and he also becomes cautioner for William Home of Hardeismylne, and William Moffett, his servant, that they shall keep ward within Edinburgh, under the pain of £1000. Cranstoun of Morieston.

Decreta June 1615-Mar. 1616. Fol. 83, b.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Bishop of Ros; Bishop of Caithnes; Blantyre; Cranstoun; Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop. Edinburgh, 13th December 1615.

The Lords, being informed that Sir Johnne Weymes of that Ilk, and Weymes, his eldest son and heir apparent, intend to "seik thair privat revenge" upon James Ramsay of Pryourlethame, on account of some controversy between them, order the said Sir Johnne and his son to find caution in 5000 merks each, for themselves and for all their dependants, to keep the peace, and to do no harm to the said James, his tenants and servants, in body or goods. Charge to Sir John Wemyss and his son to keep the peace.

Fol. 84, a.

Complaint by George Mak, writer to the Signet, that Hew Kennedy of Pinquhirrie, and David Kennedy, younger, of Polgarnok, remain unrelaxed from a horning of 5th August last for not paying to pursuer £500 of principal and £60 of expenses, together with other £500 of principal and other £60 of expenses.—Pursuer appearing personally, and the said David Kennedy not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Caption against David Kennedy for debt.

Complaint by James Bad in Leith, as follows:—Laurence Thomesone in Leith, "haveing this long tyme bigane without the said complenairis knawledge borne in his hairt a privat grudge and malice aganis the said complenair, altho in outward schaw and appeirance he profest him good will by intertenying of discourse, speatch, and company with him at all occasionis," sent a woman about 5 o'clock in the morning of 4th December instant to his sister's house, where he was abed, to ask him to go to the Linkis to speak with him. Pursuer, suspecting nothing, rose from bed and "past to him in the Linkis with his cloathis all louse." Defender, when he saw him approach, drew a long rapier, and before pursuer saw him—for the morning was dark—"strak him throw the body," and left him for dead.—Pursuer appearing by Mr. Thomas Young, his procurator, and defender not appearing, the Lords order defender to be denounced rebel. To denounce Laurence Thomson for assault on James Badon Leith Links.

Fol. 84, b.

Fol. 85, a.

Complaint by the Treasurer Depute and the King's Advocate, as follows:—Alexander Furd of Beankestoun, George Cranstoun of Oiswaldis, Adam Yule in Spot, Thomas Baillie there, Johnne Wilkie, notary in Haddingtoun, Robert Thomsone, burgess there, William Skirvane in Haillis, Helene Hepburne, relict of Hepburne of Elstanefoord, Johnne Verthie, elder, in West Fentoun, Johnne Verthe, younger, there, Proceedings against a number of persons for remaining contemptuously at the horn without having themselves relaxed:

enumeration of the persons, and decisions respecting them.

George Alexander in Abirlady, Alexander Wricht, portioner of Munck- Decreta June 1615–Mar. 1616.
toun, William Hill in Niddrie Merchell, George Cairnis in Nether Crans- Fol. 85, a.
toun, William Lyntoun in Newtoun of Schirefhall, George Heich in Dal-
keith, William Mow there, Andro Dempster there, James Purdie in Leswaid,
Hew Purdie there, Thomas Andro there, Johnne Megget in Cairingtoun,
Johnne Seatoun in Stratoun Mylne, William Sinclair of Roisling, Johnne
Howisoun, burgess of Edinburgh, James Walker, burgess there, William
Leyis, burgess there, Robert Crawfurd, hatmaker there, Johnne Huchesoun,
hatmaker there, William M^cIlhoise, indweller there, Johnne Home, burgess
there, Johnne Schaw, "stabuler" there, Alexander Mitchelsoun, baker
there, Gawin Johnnstoun, burgess there, Arthour Stratun, writer there,
Alexander Johnnstoun, flesher there, Johnne Bell, butterman there,
Johnne Forrester, burgess there, Robert Mure, tailor there, Johnne Roule
in Leyth, Jonet Gilchrist there, George Cranstoun there, Hew Crawfurd,
skinner "outwith the West Porte," Sir William Lawsoun of Boghall,
Johnne Levingstoun of Baldorane, James Cochran of Barbachlaw, George
Forrester, fiar of Corstorphin, Johnne Howstoun of Leny, James
Quhytheid, portioner there, Thomas Inglis, younger, of Auldlistoun, Mr.
Johne Finlasoun, apparent of Killeith, Waltir Stewart of Kirkland,
Andro Abirnethie in Glencors, Alexander Fairlie of Braid, and David
Edmestoun, brother of Mr. Johne Edmestoun of Newtoun, "in plane
contempt and misregaird of his Heynes and his lawis, ar so far frome
making ony accompt, or of standing in feir for thair rebellioun, as most
pairt of thame in disdane of law and justice do ly at the horne,—quhairas
obedience on thair pairt is possible, easie, and facile. And utheris of
thame, haveing taikin ordour for satisfactioun of thair creditoris, ar so
fer from frething thame selffis frome that blott of thair former rebellioun
and contempt as thay rather mak choise to ly still at the horne than to
procure thame selffis relaxt."—Pursuers appearing personally, and the Fol. 85, b.
said Alexander Fairlie, George Forrester, Sir William Lawsoun, Johnne
Levingstoun, Johnne Finlasoun, David Edmestoun, Thomas Andro,
Robert Bell, Johnne Roule, Jonet Gilchrist, George Cranstoun, Johnne
Vertie, younger, William Lyntoun, and Johnne Houstoun appearing per-
sonally, and the said Johnne Levingstoun appearing for James Cochran
of Babachla, his cautioner, and the said Johnne Vertie, younger, appear-
ing for his father, and the remaining defenders not appearing, the Lords
order the Captain of the Guard to apprehend the defenders who have not
appeared, to put them in the Tolbooth of Edinburgh and keep them
there at their own expense till further order be given, to seize their
houses, and to inventory their goods for the King's use. The Lords
order the said Alexander Fairlie, David Edmestoun, Johnne Reule, Fol. 86, a.
Thomas Andro, and William Lyntoun,—who allege they have relaxations
from all hornings,—to produce the said relaxations before them on 10th
January next; and they order the said Harie Foster of Corstorphin, Sir
William Lawsoun, and Johnne Howstoun to show their relaxations
to the Clerk "betuix and the morne at nicht." The said Johnne

Decreta June 1615–Mar. 1616.

Levingstoun, James Cochran, Johnne Finlasoun, Jonet Gilchrist, and Johnne Vertie, elder and younger, "purgit the horningis producit againis thame," by showing relaxations. The said Robert Bell, having admitted that he had no relaxation to produce, is ordered to be committed to the Tolbooth of Edinburgh.

Andrew Henderson of Latoun against John Matthew of Boosie.

Complaint by Andro Hendirsoun of Latoun, as follows:—Johne Mathew of Bowsie, "haveing in [= ane] wodset of tua hundreth merkis upoun the landis of Freirtoun quhilkis now pertenis to the said complenair, and thair being some question betuix him and the said complenair anent the byrownis of that soume, quhilk wes lyke to draw to a proces in law, in the meantyme David, Lord of Scone, who then profest the said complener goodwill, and the reverend fader in God, George, now Bischop of Orknay, delt and travellit betuix thame that thay wald submit that
Fol. 86, b. mater unto thame,—quhairunto both pairteis yeildit." The arbiters decerned that pursuer should pay to the said Johnne Mathew and his late father 1200 merks, "in full contentatioun of the said principall sowme and haill byrounes thairof," for which pursuer should receive a discharge. In accordance with this verbal decree pursuer paid the said sum and delivered the writs and securities of the "wodset," in order to receive the discharge. Defender refused to give the discharge, on the pleas that the decree was not in writing, and that he had a warrant from Lord Scone not to make the said renunciation. Defender intends to "comprise" pursuer's lands and heritage of the Freirtoun for that very sum which he has already paid. "This wes ane of the grevis the said Andro presentit to his Majestie aganis the said Lord of Scone; and, he and the said Bischop of Orknay being callit and convenit laitlie before the Lordis of Prevey Counsaill at the said complenaris instance, and being examined be the saidis Lordis, thay haif confest the same as it is sett doun,—as ane note beiring thair confessioun and declaratioun extant in proces
Fol. 87, a. beiris."—Pursuer and defender both appearing personally, and the defender having admitted that he and his late father had received from pursuer 1170 merks in part payment, the Lords order defender to give pursuer a full discharge within fifteen days, under pain of horning, and order pursuer to pay to defender the 30 merks still owing to him.[1]

Suspension of horning against John Rutherford.

Complaint by Johnne Rutherfurd, apparent of Hunthill, that he has been put to the horn wrongously for not appearing to answer a charge of assault on William Ker of Grange. Pursuer was never lawfully summoned to appear; yet he had found caution for 500 merks to appear this day to answer the said charge.—Pursuer appearing personally, and the King's Advocate appearing, the Lords suspend the process of horning, and order pursuer to find caution in £1000 to keep the peace.

William and Robert Heriot against Michael Tostis and others for assault.

Fol. 87, b. Complaint by William Heriot in Ogstoun, and Robert Hereot, his brother, as follows:—On 2nd August last, Michaell Tostis in Curthramylne, Robert M°Call and Waltir Mar, his servants, William Small in Roisburgh,

[1] The pursuer in this case is the Andrew Henderson of such celebrity in the story of the Gowrie Conspiracy. See *ante*, p. 297, and footnote there.

and Mungo Weir there, with some others, all armed with "swerdis, halbertis, forkis, quhinzeairis, and utheris wapponis," went to the said William's house in Ogstown, "quhair he and his said bruther wes theiking the said house in sober maner," and, committing a fierce assault on them, wounded them in the head and other parts, and left them for dead.—Pursuers appearing personally, and the said Michaell for himself and the other defenders, and an act of the court of the bailiary of Lawdirdaill having been produced, signed by William Bowy, notary, clerk of the said bailiary, on 8th August last, which showed that the said Michaell Tostis and Waltir Mar had been convicted by the said assise "both in the blood and blood wyte," the Lords order the said Michaell to pay 100 merks to pursuers for the wrong done. Decreta June 1615–Mar. 1616. Fol. 88, a.

Andrew Hunter, provost of Forfar, committed to ward for not assisting one of the King's Guard to execute letters of caption against Gilbert Rhynd of Balhungie.

Complaint by Johnne Betoun, one of the King's Guard, and Robert Rollok, younger, citizen of Brechin, as follows:—At the instance of the said Robert Rollok, Gilbert Rynd of Balhungie was put to the horn for not paying certain sums of money; and afterwards the said Robert obtained letters from the Lords ordering the Captain of the Guard to arrest defender. On 24th October last the said Johnne Beatoun went to the dwelling house of Jeane Rynd in Forfar, sister of the said Gilbert, where the defender was at that time. The said Johnne, not being able by himself to take the rebel, went to Andro Hunter, provost of Forfar, and asked him to help him in the execution of his duty. The said provost "for a cullourit schaw of obedience" went to the said house, and asked the rebel to come forth; but he was answered, "Put away that knove," meaning the said Johnne Beatoun, "frome the dure, and he sould come furth." The provost having gathered together the bailies, council, and a great number of the inhabitants of the burgh, they deliberated what should be done, and then "past all a sindrie way, and onnawyse wald concur nor assist the said Johnne Beatoun in the taking of the said rebell, quhairthrow he eschaiped."—Pursuers appearing, and Andro Hunter also appearing, the Lords find that defender "hes verie fer oversene him selff in not geving his assistance and concurrence," and order him to be committed to the Tolbooth of Edinburgh, and to remain there at his own expense during their pleasure. Fol. 88, b. Fol. 89, a.

James Ramsay of Priorletham committed to ward for troubling Gavin Wemyss of Unthank.

The Lords, having been informed that there was some appearance of trouble between Gawin Weymes of Unthank and James Ramsay of Pryourelethame, had ordered them to appear this day.—Both parties now appearing personally, the Lords find that the said James has "verie fer misbehavit him selff to the said Gawne Weymes by troubling and interrupting him in his hie way and passage, and persewing of his lyff," and therefore they order the said James to be committed to the Tolbooth of Edinburgh, and to remain there at his own expense during their pleasure; and further they order the said parties to find caution in 3000 merks each to keep the peace.

Edinburgh, 14th December 1615.

Sederunt—Chancellor; Bishop of Sanctandrois; Bishop of Glasgow; Bishop of Ros; Bishop of Caithnes; Blantyre; Cranstoun; Acta Mar. 1615–Aug. 1617.

Acta Mar 1615–Aug. 1617. Fol. 16, b.

Binning; Master of Elphinstoun; President; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyithe; Bruntyland; Medope.

Act removing Mr. William Watson from the town of Burntisland, and forbidding him to approach within eight miles of that town; with his Majesty's warrant for the Act.

"Anent our Soverane Lordis letteris direct makand mentioun: forsamekle as, for removing of the dissensionis and reformeing the abuses quhilkis hes burste furth in the toun of Bruntyland this quhyle bigane, his Majestie hes tane some course and gevin directioun concerning Mr. Williame Watsoun, minister [at] Bruntyland, to the effect this bussynes tuitcheing the reformeing of the saidis abuses may with the gritter facilitie and better expeditioun be compassed; [and] anent the charge gevin to the said Mr. William Watsoun to have compeir[it be]fore the Lordis of Secreit Counsall this present fourtene day of December [instant] to have hard and sene his Majesteis pleasour and directioun intimat [and declair]it unto him, and he decernit to obey the same under the pane [of rebellioun] and putting of him to the horne, with certificatioun (&c., &c.): Quhilk being callit, and [the said] Mr. William Watsoun compeirand personallie, the Lordis of Secreit [Counsall], according to the Kingis Majesteis will, pleasour, and directioun sign[ifeit unto thame] in this mater, ordanis and commandis the said Mr. Williame to [pas furthe and] transporte him selff out of the burgh of Bruntyland betuix and . . . of and the tent day of Januair nixttocome, and on nawayes to . . . [re]pair to the said burgh within the space of aucht mylles of the same, . . . on nawayes keep nor interteney ony intelligence with the inhabitantis of Bruntyland in ony mater concerning the government of that toun, . . . him to find catioun and souertie actit in the bookis of Secreit Counsell [that he] sall obey this present decreit and sentence, under the pane of . . . markis."

"His Majesties missive for the war[rand of the abonewrittin]:—Richt trusty and right weilbeloved cousen and coun[sellour and trusty and weilbeloved counsellouris, wee greete you weill. Whereas we ha[if thoght it] expedient for removing the dissensionis and reforming the abuses [quhilkis haif] burst furth in the toun of Bruntyland that Mr. William Watsoun, minister, be transplanted (as more fullie wee have gevin direct[ionis to the] Bischope of Sanctandrois), to the intent that bussyness may with [the gritair fa]cilitie and better expeditioun be compassed wee thinke it necess[air that the said] Mr. Williame be presentlie removed oute of the said toun, [and so we haif] thocht good to will and require you to call him before you and . . .
Fol. 17, a. him this our pleasour, chargeing and commanding him within some reasonable space of tyme to remove him selff out of the said toun and not to approche to the same [with]oute our speciall licence by the space of aught miles, as also that ye inhibite [him] heirefter to keep or interteyne ony intelligence with these mutineois in any act concerning their toune and the governament of it, as he will eschew our displeasour and shew him selfe a dewtifull subject in tyme comeing. And, heirin

exspecting you diligent, wee bid you fairweill. At Newmarket, the 27th of November 1615." [1]

Commission to the Captain of Clanranald.

Commission under the Signet, signed by the Chancellor, Sanctandrois, James, Bishop of Glasgow, Patrick, Bishop of Ross, Blantyre, and A. Drummond, to Donald M^cAllane M^cEane of Ylantyrum, Captain of the Clanrannald, to apprehend and exhibit before the Council Ronnald M^cAllane, his brother, and such as have joined with him for the purpose of disturbing the possessions of the Captain, and raising disorders in the Isles. Commissions. Fol. 221, a.

Wemyss and Priorletham.

"Ane charge aganis the Laird of Weymis, elder and younger, for finding of cautioun to keepe his Majesteis peace with James Ramsay, ather of thame under the pane of v^m merkis." Sederunts. Fol. 125, b.

Edinburgh, 19th December 1615.

Sederunt—Chancellor; Bishop of Sanctandrois; Bishop of Glasgow; Bishop of Ros; Bishop of Caithnes; Blantyre; Cranstoun; Binning; President; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop. Decreta June 1615-Mar. 1616. Fol. 89, b.

Caption against Douglas of Maynes for debt.

Complaint by Thomas M^cCawlay, writer, that Alexander Douglas of Maynis remains unrelaxed from a horning of 19th October last for not paying to pursuer 1000 merks, and not causing William Edmestoun, fiar of Duntreth, Semple of Foulwood, Johnne Cunynghame of Drumquhassill, Cuthbert Cunynghame of Boquhen, and Mr Johnne Cunynghame, his eldest son, cautioners nominated by defender on 4th August last, to pay pursuer 2600 merks.—Pursuer appearing personally, but defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Reconciliation between the Veitches and the Hamiltons of Quotquot.

This day appeared William Veitch of Dawik, Veitch of Kingsyde, Veitche of Stewartoun, and "uther gentilmen of the name of Veitch, freindis to the said Laird of Dawik," on the one part, and Jonas Hammiltoun of Coitquot, William and Mark Hammiltoun, his brothers, on the other. The said William Hammiltoun "humelie on his kneis acknowledgeit his offence done to the Laird of Dawik and his freindis by the slauchter of umquhill Veitch of , and he humelie craved God and thame forgifnes for the same slauchter, and did unto thame homage. Lyke as thay ressavit the said homage, and frelie remittit unto the said William and his freindis the said slauchter, and was reconciliat and aggreit with thame. Lyke as all the saidis pairteis in taikin of this thair reconsiliatioun and aggrement choippit handis everie one of thame with another, and promeist to keip the said freindschip inviolable in all tyme comeing." Fol. 90, a.

[1] Respecting the Mr. William Watson of this entry and the preceding of 7th December, see *ante*, p.258, and footnote. He had been in trouble for his Presbyterian principles since 1607.

Decreta June 1615–Mar. 1616.

This day appeared Ramsay of Dalhoussy, who became cautioner for James Ramsay of Pryourlethame that the said James shall keep ward within the burgh of Edinburgh till "by the travellis and mediatioun of freindis the variance and contraversie standing betuix him and Gawin Weymes of Unthank and his freindis be aggreit in termes, and that the said James or his freindis purches frome the Laird of Weymes ane warrand in write undir his hand for comeing to Fyff to perfyte the aggrement on his pairt, according as salbe condiscendit upoun be freindis." If satisfaction be not given before 10th January next, then the said James shall "reentir his persone in waird within the Tolbuith of Edinburgh, furth of the quhilk he is now relevit." And in the meantime he shall keep the peace under the pain of 10,000 merks.

Caution for James Ramsay of Priorletham in the matter of his quarrel with Wemyss of Unthank.

Fol. 90, b.

Sederunts. Fol. 125, b.

"Ane missive to his Majestie in favouris of Thomas Foullis."

"The mater betuix the goodeman of Northberuik and William Home of Hardeismiln anent the awaytaking of the Laird of Thornidykis continewit to Thurisday nixt."

Thomas Foullis. In the matter of the abduction of Adam French.

James Ramsay of Pryourlethame appeared personally, and undertook to relieve his cautioner the laird of Dalhoussy.

Ramsay of Priorlethan.

Decreta June 1615–Mar. 1616. Fol. 90, b.

Sederunt—Chancellor; Bishop of Sanctandrois; Bishop of Glasgow; Hammiltoun; Ergyle; Lotheane; Bishop of Ros; Bishop of Caithnes; Cranstoun; Binning; President; Privy Seal; Treasurer Depute; Master of Elphinstoun; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop.

Edinburgh, 21st December 1615.

Complaint by David M°Culloche, servitor to Thomas, Lord of Binning, King's Secretary, that David Betoun of Carsgowny remains unrelaxed from a horning of 9th September last for not paying to pursuer 600 merks of principal and 100 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against David Betoun of Carsgowry for debt.

Complaint by Robert Kirkwood, writer to the Signet, that Thomas Fergusoun of Ballizowkane and William Fergusoun of Derculich remain unrelaxed from hornings of 5th August and 26th July last for not relieving pursuer "at the handis" of Robert Guthrie, servitor to Mr. Alexander Gibsoun of Durie, one of the clerks of Session, anent the payment of 300 merks of principal and £40 of expenses, together with other £40 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, there is order to the Captain of the Guard as above.

Caption against Thomas and William Ferguson.

Fol. 91, a.

Complaint by George Petrie, merchant, burgess of Montrois, that Sir Johnne Bruce of Airth remains unrelaxed from a horning of 29th November last for not paying to pursuer 1000 merks of principal and 200 merks of expenses.—Pursuer appearing by William Carnegy, his procurator, and defender not appearing, the Lords order the Captain of

Caption against Sir John Bruce of Airth for debt.

the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta June 1615–Mar. 1616. Fol. 91, b.

Redelivery of Adam French of Thornydykes to Home of Northberwick, with relative arrangements in the case.

Complaint by Sir Johnne Home of Northberuik, knight, "donatour to the waird of mariage" of Adam Franche of Thornedykis, against William Home of Hardeismylne, and William Moffet, his servant, "for the taking and trayneing of the said Adam away fra the scole of Haddingtoun, quhair he wes placeit with Mr. Williame Bowye, scole maister thair,"—for which offence "the said Williame Home and his said servand being wairdit in the Tolbuith of Edinburgh quhill thay presentit and exhibite the said Adam Franche before the saidis Lordis, and thay accordinglie haveing exhibite him upoun the twelft day of December instant, the saidis Lordis ordanit him to be sequestrat with James, Archibishop of Glasgow (*ante*, p. 422.)"—William Home of Hardeismylne appearing personally, and Adam Fransche of Thornedykis being exhibited by the said Archbishop, and Sir Johnne Home of Northberuik appearing by Sir George Home of Mandirstoun, his procurator,—"his awne absence being excuisit in respect he wes knawne to be af the cuntrey,"—the Lords now order the said Adam to be "restorit and deliverit bak agane" to the said Sir George Home of Mandirstoun in name of the said Sir Johnne Home of Northberuik, and to remain with him till 23rd January next, when further arrangements will be made. The said Sir George receives the said Adam, and promises to exhibit him on the said day, and to "use him kyndlie and lovinglie as appertenis. Also there "compeirit personalie Sir Patrik Chirnesyd of Neisbit and actit and obleist him that the said Adam Fransche sall not eschaip nor eschew fra the said Sir George Home" under pain of £2000. Also the said William Home of Hardeismylne finds caution in 1000 merks to appear on the foresaid day. The Lords relieve Cranstoun of Moreistoun of the acts of caution whereby he was obliged, as cautioner for the said Adam Franche and for the said William Home and his servant, that the said Adam should remain with the Archbishop, and that the others should keep ward till released by the Lords. Fol. 92, a.

Action by Andrew Aytoun of Dynmure against George Paterson and others for violence and obstruction of a right of passage.

Complaint by Andro Aytoun of Dynmure as follows:—George Patirsoun of Ovirdynmure, though appointed a Justice of the Peace of the sheriffdom of Fife, has been forgetful of his duty, and has preferred "a violent and insolent prosequutioun of his awne unreulie passionis to that modistie, discretioun, and behaviour quhilk becometh on[e] of his place." Defender, "being adverteist that upoun the secund day of October last the said complenair wes to lead and cary a certane quantitie of his coirnis, quhilkis grew upoun that pairt of his landis of Dynmure besouth the myre of Dynmure, to his awne barneyaird through the hie streit, commoun way, and passage callit the Gair,"—which has always been a public way,—gathered together the following persons: Michaell Godsoun *alias* Ediesoun in Over Denmure, William Broun there, Johnne Walker there, Donald Miller there, Andro Thomesoun there, Elias Miller there, Johnne Sym, Johne M'Kie there, Andro Fol. 92, b.

Decreta June 1615-Mar. 1616.

Archibald there, Thomas Balvaird there, Alexander Hendirsoun there, and James Halkistoun there, with others, all armed with "swerdis, forkis, speitis, staulffis and stingis; and with this unseamelie convocatioun, and in a tumultuous forme and maner, he come to the mouth of

Fol. 93, a.

the watter callit the Foord of the Gaire, drew his swerd, and thair stood protesting and avowing with mony horrible and blasphemous aithis to haif the tennentis lyveis, gif thay brocht the said complenaris cornis that way."—Pursuer appearing personally, and the said George Patirsoun, Michaell Godsone *alias* Adiesoun, William Broun, Johnne Walker, David Miller, Johnne Syme, Johnne M^cKye, Elias Miller, Andro Archibald, and Thomas Balvaird appearing personally, and the said Alexander Hendirsoun being excused "be a testimoniall testifeing his disease and seiknes," and the said James Halkistoun being represented by his master the said George Patirsoun, it is urged for the defence that the "gait and passage foirsaid is not ane commoun hie gait, bot ane pairt of [defender's] proper landis and heritage." Moreover, there is a "civile actioun groundit upoun the questioun of a gait and passage acclamed be the said defendair to be propirtie to him, the tryall quhairof is nawyse competent to this judgement, bot aucht and sould be remitit to the judge ordiner." Pursuer replies that the "gait and passage is the

Fol. 93, b.

Kingis Majesteis commoun hie way, as is libellit in the saidis letteris, and that he and his predicessouris hes bene in use in all tyme bigane to beit and mend the said gait quhen the necessitie sua requirit."—The Lords find "that thay are judgeis competent to try this complaint in the tennoure as it is set down and libellit, but prejudice alwyse of ather of the saidis pairteis richtis and titlis to the said gait and passage to be decydit heirefter before the judge competent"; and declare that the defender has committed a "verie grite insolence and offence" against pursuer. They order him to be committed to the Tolbooth of Edinburgh, there to remain at his own expense till released by their order; and further they order both parties to find caution within 48 hours, each in £2000, to keep the peace.

Thomas Gifford and others committed to ward for violent resistance to a messenger in the execution of his duty.

Complaint by Alexander M^cBreck, messenger, and Johnne M^cGill in Edinburgh, as follows:—Archibald Hammiltoun of Beirfurd had been put to the horn for not paying certain sums of money to complainer's

Fol. 94, a.

wife; and the said messenger had been charged to apprehend him. He accordingly "went to the toun of Dalkeith, quhair the said rebell wes for the tyme in the dwelling house of Thomas Giffert, elder." When he had entered, the defender "not onlie laip to his sword, bot also, being assistit be Claud Hammiltoun of Peill, the said Thomas Giffert, elder, Thomas Giffert, younger, his sone, James Veitch in Dalkeith, Hew Cowdoun thair, George Heich, sumtyme baillie thair, thay all concurring togidder start in betuix the said messinger and the said rebell, wald not suffer him to apprehend the said rebell, and violentlie, maisterfullie, and perforce put the said messinger furth at the dure of the said house, pat violent handis in him, and with thair feit and handis schamefullie and

unhonnestlie strak and dang him upoun divers pairtis of his body."— The said Alexander M^{c}Brek appearing for himself, and for the said Johnne M^{c}Gill, "whose absence wes excuisit in respect of his seikness," and the defenders being also personally present, the Lords order the defenders to be committed to the Tolbooth of Edinburgh, there to remain at their own expense during the pleasure of the Lords. Decreta June 1615-Mar. 1616. Fol. 94, b.

To denounce certain persons for not appearing as witnesses in the case of John and George Scot, charged with killing sheep belonging to Douglas of Drumlanrig.

Complaint by William Douglas of Drumlangrig as follows:—Johnne Scot, "callit the Suckler," and George Scot, "callit Marionis Geordie," having been committed by order of the Council to the Tolbooth of Edinburgh, and "examinat upoun the barbarous slaying and goring of certane scheip pertening to the said complenair" and "upoun some otheris crymes and offensis commitit be thame," one of them "grantis the saidis crymes and avowis the same upon the uther by cleir and probable presumptionis and circumstances, and the uther obstinatlie denyis the same, thinking by his denyall to eschew both tryall and punischement." Wherefore it being proper that witnesses should be examined, the Lords have summoned these persons to appear this day, viz.:—Margaret Scot, Lady Howpaislay, Andro Smart, sometime her servant, Jeane Scot, "callit Jeane of Satchell," Adam Scot in Midschaw Bra, Waltir Scot of Quhythauch, Robert Lidderdaill in Hawik, Alexander Deynis there, Alexander Scot, "callit of Howfurd," Margaret Scot, relict of Johnne Deanis in Hawik, William Scot, "callit of Satschellis," Wattie Scot, son of Braidis Andro, Waltir Scot of Tuschelaw, M^{r} Adam Scot, minister at Hawik, and Ingrie Scot, "callit Stour."—Pursuer appearing personally, and the said Margaret Scott, Andro Smart, Jeane Scot, Adam Scott in Meidschaw Brae, and Waltir Scot of Tuschelaw also appearing, but the others not appearing, the Lords order those who do not appear to be denounced rebels.

Appeal by the Council to Presbyteries, Kirk-sessions, Burghs, and the charitable lieges generally, for subscriptions for the repayment to James Fraser, a Scotsman resident at Algiers, of a sum of £140 sterling, advanced by him for the ransom of eleven Scottish sailors taken by the Turks, and about to be sold as slaves in the Algiers market.

"To all and sindrie prisbitereis and sessionis of kirkis, provestis and bailleis within burgh, and otheris, oure Soverane Lordis good and cheritable subjectis, unto whome thir presentis salbe schawne, we the Lordis of his Majesteis Prevey Counsaill wisseth helthe.—Whereas, Andro Robertsoun, Johnne Cowie, Johne Dawling, James Prat, Johne Lyell, William Balzart, William Robertsoun, Robert Donnall, Johnne Young, Bartilmew Fergusoun, and Andro Uchiltrie, marineris, and all of the equippage and company of the schip callit the Unicorne of Leyth, being laitlie upoun the coast of Barbarie with the said schip in the dew course toward the porte wheirunto thay wer frauchted be thair merchant, thay wer persewit and ovirtane be certane Turkis, profest and avowed enemeyis to all Christeanes, and efter a shairp and bloodie conflict betuix thame thay wer in end overcome, maid captives, and caryed to the toun of Argeris in Barbarye; quhair thay wer presentit to oppin mercat to have bene sauld as slaves to the cruell and merciles barbarianes, wer not one James Frasair, Scottisman, now resident in the toun of Argeir, heiring of thair distresse, and being moved with pitie and compassioun of the calamytie quhilk thay undirlay, interceidit for thair deliverie and Commissions. Fol. 221, a. Fol. 221, b.

Commissions. Fol. 221, b.

releif, and so fer prevaillit with the merciles barbarianes that he procured thair redemptioun and releif upoun present payment maid be him of ane hundreth and fourty pundis sterling for thair ransoum,—for repayment quhairof at ane certane terme now neir approcheing thay haif gevin thair band: And seeing thir poore people ar reduceit to that extreame poynte of miserie that thay have nothing of thair awne quhairwith to repay the sowme foirsaid, quhilk the said James Frasair so loveinglie advanceit and debursit for thair ransoun: And whereas divers Chretianis and strangerairis who had thair parentis, bairnis, and freindis lyand under the slavishe tirrany of the cruell Turk for not payment of thair ransonis hes frome tyme to tyme ressavit your cheritable almous and supporte for thair releif, and thir men being your awne cuntrey people, of quhose distresse and calamitye you aucht to be more sensible and feeling than of strangearis: We haif thairfore recommendit, and be the tennour heirof recommendis, thame to your favourable and cheritable considerationis, and requeisting you, everie one of you unto whome thir presentis salbe schawne, to extend suche proportioun of your benevolence, favour, and cheritie towardis thame for the repayment of thair ransoun already advancit and debursit be the said James Frasair as you in your wisdomes sall think expedient, and that you deliver the same to the beirair heirof. Whairin as you sall do that whilk cheritie, pitie, and brotherlie compassioun in suche a caise requiris, so you sall encourage the said James Frasair, and otheris whose credite, moyen, and freindship is able to effectuat the lyke good offices heirefter for thair cuntrey people, to do the best of thair endevoiris whensoevir the lyke, as God forbid, sal-happin to fall out. And we ordane thir presentis to stand in force untill the feast and terme of Witsonday nixttocum. Gevin at Edinburgh, the xxj day of December, and of the reign of oure Soverane Lord, James, by the grace of God King of Grite Brittayne, France, and Ireland, Defendair of the Faith, the fourty nyne and xiij yeiris. *Sic subscribitur:* Cancellarius, Sanctandrois, Bining, Jo: Prestoun, Prevey Seill, Sir G. Murray, Sir A. Drummond."

Sederunts. Fol. 126, a.

"The quhilk day the Erll of Ergyll maid a reporte of his procedingis in the service aganis the tratour M^cDonald." [See *Book of Isles* under this date.] 21st December 1615.[1] Earl of Argyle.

[1] An important decree which had come into operation at this time, but which is not mentioned among the Acta of the Council, probably because, being an ecclesiastical decree and belonging therefore to the King's prerogative, it did not require any intervention of the Council, was that for the Union of the two Courts of High Commission. The decree is recorded by Calderwood (vii. 204–210), in the form of a Royal Ordinance, dated at Royston 21st December 1615, superscribed by the King, and subscribed by Chancellor Dunfermline, Sir G. Murray, Lord Binning, and Alexander Hay. The Ordinance opens thus:—"Forsameikle as it has beene heavilie complained to his Majestie, in the behalfe of the ministrie of the kingdome of Scotland, of the frequent advocations made by the Lords of Counsell of the same kingdome against such as are either erroneous in religion or scandalous in life, wherby they are not onlie discouraged from censuring vice, but the offenders so muche the more emboldened to continue in their wickednes; using their advocation as a meane and delay both to disappoint tryall and punishment; knowing

Edinburgh, 26th December 1615.

Sederunt—Chancellor; Bishop of St. Androis; Ergyle; Bishop of Ros; Bishop of Caithnes; Scone; Binning; President; Treasurer Depute; Clerk of Register; Advocate; Kilsyth; Bruntiland; Medop.

Decreta June 1615–Mar. 1616. Fol. 95, a.

Joseph Marjoribanks and others against Archibald Campbell: two conflicting monopolies in a new industry of making red herring: intervention of the magistrates of Edinburgh in the interest of the Burghs generally; interim decision, and reference of the whole matter for advice and report to the next Convention of Burghs.

Complaint by Joseph Merjoribankis, George Todrig, younger, James Arnot, and Chairlis Geddes, merchants, burgesses of Edinburgh, as follows:—"Thay and some otheris who hes enterit in societie and fellowschip hes at thair grite chairges and expensis interprisit and begun that manie of the ministrie, in regard of the meannesse of their provision, are unable to attend and prosecute the dyet of such processe; the mater contraveened being also unproper to the Counsell to cognosce upon: For eschewing of the which inconveniences, and that the number of true professors may be knowne to increase, the Antichristian enemie and his grouth suppressed, all kinde of vice and scandalous life punished, and that noe cover of iniquitie nor delay of tryall and punishment of the offender be left by this subterfuge of discharging the ecclesiasticall censure to proceede in things so mere proper for them, or being otherways of a mixt nature in regard of the danger and sequele of law by reason of the offence committed; which in this case can noe way be so weill supplied as by the particular choise of some Nobilitie, Clergie, [and] other Laicks and Ministers, being weill affected in religion, zealous in the caus of God, and desirous to have all vice and sinne punished, and the increase and grouth of the Enemie stayed: And becaus the citation of the forsaid persons is oft-tyms protracted or delayed by absence of anie of our two Archbishops of Scotland, either by sicknes or for other reasonable causes, so that by the absence of our Archbishope of St. Androes the scandalous persons within the Province and Diocie of St. Androes cannot be cited to compeir before our Archbishope of St. Androes as their ordinar, and by the absence of our Archbishope of Glasco the offenders within the Province or Diocie of Glasco cannot be cited to compeere before our Archbishope of Glasco; sua that the scandalous persons, at the least the most part, escape all punishment." After this preamble follows the enactment itself, empowering certain named Commissioners "to summoun or call before them, at such tyme and places as they sall think most meete, all persoun or persons dwelling within our countrie of Scotland, and within the Provinces of St. Andrewes and Glasco, and Diocies of the same, being offenders either in life or religion, whom they find anie ways to be scandalous, and speciallie resetters and intercommoners with Jesuits, Seminarie and Masse preests, or excommunicated Papists, sayers and hearers of masse, recusants and not-communicants, incestuous and adulterous persons; and that they take tryall of the samine: and, if they find them guiltie and unpenitent, refusing to acknowledge their offence, they sall give direction and command to the preachour or minister of that paroche where they dwell to proceede with the sentence of excommunication against them; which sentence if it be protracted or delayed, and their command by that minister be not presentlie obeyed, they sall then conveene anie such minister before them, and proceid in censuring him for his disobedience, either by suspension or deprivation or otherways, according as in their discretion they sall hold his obstinacie and refusall of their directions to have deserved. And, farther, to fyne at their discretions, imprisone or waird, anie such persons who, being conveened before them, thay sall find upon tryall, or coutumacie [by] their noncompeirance, to have deserved such punishments for the saids crymes. And a warrant under the hand of anie fyve above-named, anie one of the saids Archbishops being always one of them, sall serve for a sufficient command to the captains and constables of his Hienes wairds and castles, and to all keipers and jaylers of all prisons or wairds, either within burghe or land, within anie part of the said countrie, for receaving and deteaning of such persons as sall be unto them directed, to be keiped by them in such forme as by the saids warrants sall be prescribed, as the saids offenders will answeir to the contrare at their perill. And, of all such fynes as sall be imposed upon anie offenders, the one halfe to apperteene to his Majestie and his Hienes Treasurer; another halfe to be imployed upon such necessarie charges as the saids Commissioners sall be forced unto by charging of Papists and witnesses to compeire

Decreta June 1615-Mar. 1616.

the trad of making of reid hering, nevir heirtofoir practized in this kingdome, and thay have biggit a nomber of housis at the burgh of Dunbar, and providit all other thingis necessar for the furtherance and advancement of this trade,—whilk is not onlie proffitable for the cuntrey, bot will gritlie further his Majesteis customes and the inbringing of bullioun and will hold a grite nomber of personis at worke and in doing." This year the pursuers "hes gevin a prooffe of thair good begynning in this worke, quhilk hes provin verie weill." They are informed, however, that Archibald Campbell, brother of the Laird of Laweris, has purchased a royal patent granting to him "the soile and onlie libertie and

before them; and the superplus to be bestowed at the sight of the saids Commissioners *ad pios usus.*"—The Ordinance then goes on to make further enactments for giving efficacy to the main provisions,—*e.g.*, giving the Commissioners powers to proceed against any ministers, preachers, or teachers, in Schools or Universities, who may discourse against the established order in Church and State, or the conclusions of the Glasgow General Assembly of 1610 or Acts of the Parliament of 1612; also discharging the Lords of Council and Session "of all advocating to themselfs from our ecclesasticall judicatories anie of the maters of the qualities above writtin, but that they referre the samine to the decision of the saids Commissioners."

The Commissioners named were as follows:—Clergy:—Spotswood, Archibishop of St. Andrews, and Law, Archbishop of Glasgow,—conjunctly and severally; Peter Blackburn, Bishop of Aberdeen; Alexander Douglas, Bishop of Moray; William Couper, Bishop of Galloway; Patrick Lindsay, Bishop of Ross; Andrew Lamb, Bishop of Brechin; Alexander Forbes, Bishop of Caithness; Adam Bellenden, Bishop of Dunblane; Andrew Boyd, Bishop of Argyle; George Grahame, Bishop of Orkney; Mr. Patrick Galloway, Mr. John Hall, Mr. Peter Hewat, and Mr. Andrew Ramsay, ministers of Edinburgh; Mr John Ramsay, minister of Aberdour; Mr. John Hay, parson of Renfrew; Mr. William Bruce, minister at Ayr; Mr. John Abernethy, minister at Jedburgh; Mr. Edward Hepburn, minister at Dunbar; Mr. John Mitchelson, minister at Burntisland; and Mr. Theodore Hay, parson at Peebles.—Laymen:—Lord Chancellor Dunfermline; the Earls of Mar, Marischal, and Montrose; Lord Secretary Binning; Lords Lindsay, Sanquhar, Forbes, and Blantyre; Lord Privy Seal Cockburn; Lord Clerk Register Hay; Lord Advocate Oliphant; Treasurer Depute Sir Gideon Murray; Sir David Carnegie of Kinnaird; Sir William Livingston of Kilsyth; Mr. Thomas Henryson and Mr. John Arthur, Commissaries of Edinburgh; Mr. John Wemyss, Commissary of St. Andrews; and Mr. William Hay, Commissary of Glasgow.—Of this body of 41 persons (22 clerical and 19 lay) *five* were to be a quorum; of whom one of the two Archbishops must necessarily be one.

Although the two Courts of High Commission, one for the Province of St. Andrews and one for the Province of Glasgow, which had been in existence since February 1610, (see the Act establishing them, of date 15th February 1610, *ante*, Vol. VIII. pp. 417–420) had conferred substantially the same powers of inquisition into the lives and opinions of the lieges, and of punishment of heresies, immoralities, and all spiritual or ecclesiastical offences, by fines and imprisonment, there can be no doubt that the efficiency of the instrumentality for its purposes was immensely increased by the consolidation of the two Courts into one by the present decree of December 1615,—allowing, as it did, either Archbishop Spotswood or Archbishop Law, with any four others of the Commissioners that either of these two prelates could at any time gather about him, to wield thenceforth the whole powers of the Commission over all parts of Scotland alike. It is significant, too, that the concentration of powers marks the beginning of Spotswood's tenure of the Archiepiscopate of St. Andrews. As Archbishop of Glasgow, Spotswood had been zealous enough within his own province; but no sooner had he succeeded the somewhat lethargic Gledstanes in the higher Archbishopric of St. Andrews than it had become evident that Scotland generally had entered on an era of stricter ecclesiastical rule than had been experienced while Gledstanes lived; and now, though Spotswood and Law were to be nominally an ecclesiastical duumvirate, with equal powers of presidency in the High Commission Court, it was clear that Spotswood would be the supreme master.

previledge of making of reid and dry hering throughout all the pairtis of this kingdome," and that the patent is now passing "through the seallis." They understand that he will interfere with them in "the prosequutioun and following out of this worke, quhilk hes already coist so grite chairgeis, and is a trade onlie proper to be followit oute be merchandis and trafficquaris, — of the quhilk nowmer the said Archibald is not one. And he has nather skill, moyen, nor possibilitie to follow out that trade and worke." And, "seing, as the Lordis of Secrite Counsaill knawis, thair is a wondirfull grite decay in the merchand trade, quhilk hes maid the saidis complenairis, and will mak otheris, to interpryse and undirtak lauchfull hasardis, tradis and adventuris nevir heirtofore knawne to this cuntrey," the pursuers doubt not the Lords will "not onlie assist and encourage thame by all lauchfull meanis in thair godlie, commendable, and lauchfull adventuris and interprysis, bot will stay the plottis, projectis, courseis, and resolutionis of all suche who intendis, undir the pretext of suche prevey letteris and warrandis, to mak ony questioun, trouble, or impediment unto thame."—This day the said Joseph Merjoribankis, George Todrig, and James Arnote appear for themselves and for the said Chairlis Geddes, and allege that his Majesty, out of consideration for their trouble and expense in the "interpriseing" of the said work, had granted them the privilege of "making of reid hering within the haill boundis betuix Tweidmouth and Pightland Firthe." The said Archibald Campbell was also present; and likewise William Speir, William Rig, James Arnote, and Nicoll Uddart, Bailies of Edinburgh, who desired to be heard, as this was a matter "concerning the haill burrowis of this kingdome, quhairin thay had speciall interesse, and wald be prejudgit in the libertie and fredome of the commerce and trade gif suche monopollis,—as thay termed thame,—wer authorized and allowed." By order of the Lords both "previledgeis" were produced: the one in favour of the pursuers, granting to them the right of making red herring between Tweidmouth and Pightland Firthe for 21 years, dated at Newmercat 21st November last; the other (produced by the keeper of the warrants at the Privy Seal) granting to Archibald Campbell the sole right of making red herring "within all the seyis, lochis, watteris, seytownis, pairtis, shoris, and land thairof, betuix Tweidmouth and Pightland Firth, and fra Tweidmouthe to the Mule of Galloway, as the sea ebbis and flowis in the revair of Clyde, and within all the boundis thairof, and of this kingdome of Scotland" for the space of 21 years, dated at Roistoun, 18th October 1614.—The Lords order both the said warrants "to be past and exped the Prevey Seale, and to rest and ly at the Privy Seale ungevin up to ony of the saidis pairteis" till after the Convention of the Burghs in July next. In the meantime both parties may "proceid in thair worke of making of reid hering." And, as the trade is a matter which concerns the Burghs, "who are maist able to provide and foirsie how the same worke may be maist convenientlie and commodiouslie prosequute

Decreta June 1615–Mar. 1616.

Fol. 95, b.

Fol. 96, a.

Decreta June 1615–Mar. 1616. Fol. 96, b.

and followit out for the credite, honnour, and benefite of the cuntrey, and that the abuse of ignorant and unskilfull personis in puting to seale of insufficient stuff to the discredite of the cuntrey may be preventit," the Lords remit the matter to the Burghs, to be considered at their next meeting, and request them to "set doun in write thair advise, opinioun, and resolutioun heiranent, and reporte the same at the first occasioun after the dissolveing of thair Conventioun."

Sederunts. Fol. 126, b.

"Ane missive to his Majestie concerning Francis Steuart."

Francis Stewart.

"The quhilk day a warrand wes past to the Provest and Baillies of Edinburgh to putt Gillichrist M^cInleriche, Williame Watsoun, and Donald M^cKay to libertie, becaus in the tryall and examinatioun of Gillichrist and Donald M^cKay thair wes no thing fund aganis thame, nouther be thair awne depositionis nor be the depositionis of utheris, quhilk could infer ony pane or punishement aganis thame."

Liberation of three prisoners.

"The quhilk day it wes thoght expedient that Malcome M^cDuffie, Johnne M^cKay, Allaster M^cEane, Donald M^cVicair, and Johnne M^cVicar, present prisonnaris in the Tolbuithe of Edinburgh, salbe delyverit to Archibald, Erll of Ergyll, his Majesteis Lieutennent over the Yllis, to the effect he may tak ordour for thair tryall and punishement or for thair libertie and releif as he sall think expedyent, according to the pouer of his commissioun of lieutennandrie grantit unto him. Lyke as the said Erll, being personalie present, promeist to caus the saidis personis be ressavit within the toun of Dunbartane this day xx dayis frome suche as salbe directit to mak thair convoy thair be his Majesteis Counsell. And fra this day furthe the said Erll undertooke to pay thair chargeis and expensis during thair remaning in warde in the Tolbuithe of Edinburgh."

Delivery of certain prisoners to the Earl of Argyle.

"Whereas divers of the said Erll of Ergyll his creditoris hes oftymes compl[aynit] to his Majesteis Counsaill bothe of the want of thair principall soumes and of thair annuellis, and of the rebellioun of the said Erll and his cautionaris for that caus, and the said Erll being hard heirupoun, he promeist to pay his haill creditoris thair annuellis within tua or thrie dayis; and, failyeeing thairof, he wes content that the supersederis grantit to him sould expyre and be of no availl, strenth, nor effect heirefter."

Complaints by Creditors of the Earl of Argyle.

Commissions. Fol. 222, b.

Licence, with consent of Sir Gedeone Murray of Elibank, Treasurer-, Comptroller-, and Collector-Depute, to Mr. Thomas Wardlaw, Provost of Dunfermling, and his servants, to transport, either by sea or land, to England or any other country, 200 stone weight of linen yarn, without skaith to person or goods for so doing, provided the said Mr. Thomas transport the yarn within a year, pay the custom dues, and find caution for payment of the bullion.—Given under the Signet, and signed by the Chancellor, Jo: Prestoun, and G. Murray. Composition, £20.

29th December 1615.

Licence to Mr. Thomas Wardlaw, provost of Dunfermline, to export linen yarn.

Fol. 223, a.

Commission under the Signet, signed by the Chancellor, Binning, Jo: Prestoun, G. Murray, Alexander Hay, and A. Drummond, to William, Earl of Tullibairdin, Sir James Campbell of Laweris, Grahame of

2nd January 1616.

Commission for the trial of John M^cSorle

Voir and others for horse-stealing.

Inchebrekie, and Murray of Auchtertyre, or any two of them, the Laird of Laweris being one, to try Johne M^cSorle Voir *alias* Camroun, Donald M^cInnes Reoch, and Johne Dow M^cGillicouill, who are now in the custody of the Laird of Laweris for stealing horses and other gear from the lands of Monyvaird and other parts. Commissions.

Edinburgh, 3rd January 1616.

Sederunt—Binning; President; Treasurer Depute; Sir Alexander Drummond; Sir Alexander Hay, Clerk of Register. Sederunts. Fol. 127, a.

Earl of Crawford.

"The Lordis allowis to the Erll of Craufurde vjs. viijd. daylie by and attour his formair allowance of ane mark in the day, so lang as he is keept cloise prisonnair in the Castell of Edinburgh."

Edinburgh, 9th January 1616.

Sederunt—President; Lord Gordoun; Bishop of Ros; Cranstoun; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsythe; Bruntylande; Medope. Acta Mar. 1615-Aug. 1617. Fol. 17, a.

The Lord Gordon admitted of the Council.

"The quhilk day the Lordis of Secrete Counsall, according to ane warrant and directioun in write send unto thame, and signed be the King his Majestie, ressavit and admittit George, Lord Gordoun, to be one of the Previe Counsall of this kingdome, and to injoy all honouris, digniteis, and priviledgeis and immunities quhilk ony uther counsellour be vertew of the said place enjoyeth. And, the said George, Lord Gordoun, being personallie present and acknawledgeing his Majesties gratious favour schawne unto him in preferring and advanceing him to this heich estait of honour and dignitie, he, with all dew reverence, upoun his knees, his hand lyand upoun his holy evangell, maid and gaif his solemne aith of alledgeance and the aith of a prevey counsellour."

"His Majesties missive lettir for the warrand of the act abone-writtin." Dated "At Roystoun, the 15th of October 1615."[1]

Commission for the apprehension of Mr. John Oschell, doctor of medicine, at the horn on a charge of murder.

Commission under the Signet, signed by Jo: Prestoun, Lord Gordoun, Pa: Bishop of Ross, and Lord Cranstoun, to Sir Alexander Falconer of Halkertoun, Hew, Mr. Samuell, Archibald, and William Falconner, his uncles, Patrik Dunbar of Blairie, Patrik Falconer of Newtoun, Duncane M^cIntoshe of Aberarder, and James Sutherland of Kingstarie, to apprehend and keep in custody till trial Mr. Johne Oschell, Doctor of Medicine, who was put to the horn on 22nd December last, at the instance of Harie Falkonner in Blakbalk, as near kinsman, and others, as kinsmen, of the late David Falconer, with the King's Advocate, for Commissions. Fol. 224, a.

[1] The George, Lord Gordon, of this entry was the eldest son and heir-apparent of the Marquis of Huntly. There have been glimpses of him already in the Register under his courtesy title of "Earl of Enzie"; but he was now entering public life in a more distinct manner. The great Roman Catholic Marquis of Huntly, by his equally Roman Catholic wife, Lady Henrietta Stewart, daughter of the late Esmé, Duke of Lennox, and sister of the present Ludovic, Duke of Lennox, had four other sons,—John, Francis, Lawrence, and Adam.

Commissions. not finding caution to appear before the Justice in answer to the charge of having murdered the said David Falconner.

Sederunts. Fol. 127, a. The Lords, with consent of Ramsay of Dalhoussy and of James Ramsay of Priorlethame, postpone the act of cautionary found by the former for the latter on 19th December last, anent the keeping of ward within Edinburgh, until 18th January next. Ramsay of Priorletham

Decreta June 1615–Mar. 1616. *Sederunt*—President; Glencairne; Lord Gordoun; Bishop of Ros; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Sir Andro Ker. Edinburgh, 11th January 1616.[1]

Fol. 97, b. Complaint by M^cDonald M^cAllaster of Largye as follows:—"The caus pretendit be Archibald, Erll of Ergyle, his Majesteis Lieutennent over the Yllis, for the taking and detening of the said complenair as presonair so lang wes his resset of Duncane M^cDougall, ane of the assistairis, as he alledgit, of the traytour M^cDonald in his treasounable coursis; quhairof gif the saidis Lordis undirstood the certane treuth, the said complenair is suire the saidis Lordis wald not think he had offendit in that poynte. For so it is that, this M^cDougall and thrie of his bretherine being the cheif and principall men that assistit the said Laird of Caddell in his first imployment in that service aganis Coill M^cGillespik, and who kythit most in actioun aganis Coill at that tyme, thay wer thairfore appointit be the Laird of Caddell to assist Allaster M^cDougall, capitane of Dunyvaig, in the keiping of the said house, and remanit thair with the capitane all this winter, and quhill the moneth of May last. And, the eldest of thir four brethir being in sute of the Pryour of Orensayis dochter in mariage, and finding no likliehood that he could come to his intent, he thairfore, with advise of his thrie brethir, resolved to revische the gentilwoman: and, for performance thairof, the four brethir come out of the Castell of Dunyvaig in the moneth of May last to the Yle of Oronsay, quhair the gentilwoman wes for the tyme, resolved to haif revisched and tane hir away. But so it wes that Coill and Sir James M^cDonald happynnit to be in the Yle for the tyme, and heiring tell of the landing of thir men, and quhat wes thair purpois. And the said Coill fand that occasioun verie fitt and proper unto him to be revengeit on thame for thair bypast service done to the Laird of Caddell aganis him the yeiris preceiding. He thairfore, with some of his forceis, come and maid a cruell onsett upoun the four bretherine and suche as wer in company with thame, and hurte the eldest bruther deadlie upoun the head; and, haveing thame all in his mercie to have slane thame, yit, out of the malice of his hairt resolveing to haif thair lyveis be a more schamefull death, he brocht thame to Sir James; and, he and the said Sir James consulting togidder, thay resolved presentlie

M^cAllaster of Largie against Campbell of Lundie, as representing the Earl of Argyll; with the story of the real circumstances of the offence for which he had been put into custody by the Earl,—viz., his reset of Duncan M^cDougall, alleged to have been one of the assisters of Sir James Macdonald in his treasonable course in Islay.

[1] This was probably a *post meridiem* meeting. See following entries from *Book of Sederunts*, p. 445, and footnote there.

to hang thame for the intendit revissing of the gentilwoman. Quhairupoun a jebbitt wes immediatlie set up, and the four brether, bound and fetterit with widdeis, wer brocht to the gibbett, and the eldest wes set up upoun a barrell, with a tow about his craig fesned to the gibbet, becaus thay wantit a laddir; and, being at the verie poynte to have bene wirreyed, M°Rannald, whose wyff is [a] M°Dougall, maid grite intreaty with Sir James for thair lyveis, and Coill, upoun the uther pairt, urged thair present executioun,—sua that thair wes a verie grite trouble and busynes lyke to have fallin out betuix thame, wer not some wyise men in the cuntrey tooke up the mater betuix thame with this conditioun, that Sir James sould keip the four men with him as prisonnairis quhill the dissolveing of his Majesteis forceis; at quhilk tyme, with commoun consent of the principall chiftanes that followit Sir James, it sould be resolved quhidder it wer more expedient to spair or saulf thame. And so thay wer keipit as presonnairis with Sir James all the tyme that he was on the feildis. And, quhen he fled, this M°Dougall come to the said complenair, unto whome, for the respect he caryed to his Majestie becaus he wes troublit for his Majesteis service in assisting the Laird of Caddell aganis Coill, he schew some favour. And, howsoone the said complenair undirstood that the Erll maid a querrel of that mater, he offerrit to deliver the man to him; and the man him selff wes verie willing to have come to the Erll for his exoneratioun; bot the Erll wald not take him af his hand. And now, at the said Erll his away going, the said complenair earnistlie intreated him outher to tak the said M°Dougall af his hand, or than to exoner the said complenair of him; and his answer wes that he had gevin ordour in that mater to his bruther, the Laird of Lundy."—Pursuer appearing, and the said Laird of Lundy also appearing, the Lords, with consent of both parties, "assignis unto the said Laird of Largye the xxvj day of Marche nixttocum for the entrie and exhibitioun of the said Duncane M°Dougall; lyke as the Laird of Lundie promeist to caus Mr. Alexander Coluill, as agent for the Erll of Ergyle, to attend" on that day and to inform the Lords "quhat the said Erll of Ergyle had to say aganis him." Decreta June 1615–Mar. 1616. Fol. 98, a.

Caption against Patrick Pitcairn and others.

Complaint by James Wyld, merchant, burgess of Edinburgh, for himself and as procurator for Abell Denys in Burdeaux, that Patrik [Pitcarne], merchant, burgess and indweller in Perth, remains unrelaxed from a horning of 30th January last for not paying to him as procurator the sum of 600 "liveris turnois," and 10 "liveris" yearly for every 100 since the last day of October 1610,—or else the sum of 26s. 8d. Scots for each "liver"; and also for not paying pursuer 200 merks of expenses. Also that David Grant and William Grant, merchants, burgesses of Perth, as principals, and Mr. James Stewart, commissary of Dunkeld, and James Merschell, merchant, burgess of Perth, remain unrelaxed from a horning of the last day of August last for not paying to pursuer "for him self" £400 and 100 merks of expenses, and also £400 as a part of a sum of £1200.—Pursuer appearing personally, Fol. 98, b.

Decreta June 1615–Mar. 1616.

and defenders not appearing, there is order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Fol. 99, a.

Action by Lord President Preston and his spouse against Sir John Campbell of Calder, for the production of Lauchlan M°Lauchlan, his tenant, charged with robbery from the dwelling-house of certain tenants of the pursuers in Findhorn.

Complaint by Dame Margaret Collace, Lady Muretoun, and Mr. Johnne Prestoun of Pennycuik, President of the Colledge of Justice, now her spouse, as follows:—On a day in November 16 , Lauchlane M°Lauchlane V°Eanduy in , accompanied by others, "all brokin Hieland men, sornaris, thevis of clanes, and fugitives fra his Majesteis lawis, bodin in feir of weir with swerdis, bowis, darlochis, durkis, and utheris wapponis invasive, went by night to the dwelling houses of Jerhome Badome and Issobell Breadwood in Findorne, tenants of pursuers, entered violently, "chaissit the poore tennentis furth of the same," robbed their "plenisheing" to the value of £3000, "kaist furth the haill tymmer worke whilk wes within the same," and carried away "the haill wobbis of claith, both lynning and wollen scheittis, blankettis, plaidis, naprie, gold, silver, and suche of the remanent of the plennischeing of thair saidis housis as thay micht cary with thame on thair bodyis and in thair companyis." Pursuers are informed that the said Lauchlane is a tenant of Sir Johnne Campbell of Calder, knight, sheriff of Narne; but the said Laird refuses to be responsible for him unless compelled.—Mr. Johnne Prestoun appearing personally, and the Laird of Calder appearing by Mr. Johnne Rollok, advocate, who produces the said Lauchlane M°Lauchlane, the Lords commit the said Lauchlane to the Tolbooth of Edinburgh, therein to remain at his own expense during their pleasure. Mr. Johnne Rollok promises to pay to the said Lauchlane 6s. 8d. daily till the 15th of March next.

Fol. 99, b.

Mark Gledstanes against Dame Elizabeth Carlyle, Lady Torthorwald, and others, for violent resistance to a legal arrest of the lady for debt, and for armed assault on pursuer and his serious bodily injury.

Complaint by the King's Advocate, and Mark Gledstanes, burgess of Edinburgh, as follows:—Dame Elizabeth Carlile, Lady Torthorwald, having been put to the horn at the said Mark's instance for not paying certain sums of money, pursuer raised "letteris of captioun," and charged Thomas Greirsone of Bariarge, one of the sheriff deputes of Drumfreis, to apprehend defender. Pursuer and said sheriff depute "forgaddering with the said rebell upoun the xiiij day of November last on the mure betuix Torthorwald and Lochmaben," the said sheriff-depute "layed hold on hir, and took and apprehendit hir, willing hir to ryde with him to Drumfreis"; but "the said Dame Elizabeth not onlie refuisit to go with him, laying hir selff flatlie doun upoun the ground, and maisterfullie withstanding the said schiref depute, bot also scho causit raise ane schoute in the cuntrey, geving wairing to all hir freindis and servandis, who wer instructit to attend that wairning and to come unto hir," viz.:—William Sinclair of Blans, spouse of the said Elizabeth, George Douglas, her son, Robert Carlile, son of Harbert Carlile of the Heuch, Johnne Mundaill, messenger, Harbert Carlile, "callit Litle Habbie," Robert Keltoun in Torthorwaldtown, James Litle, servitor to the said William Sinclair, Edward Carlile, son of Harbert of the Heuch, William Mundaill, miller in Torthorwald, David Robertsoun, shoemaker in Torthorwald, David

CROYDON PUB

Carlile in Lynnis, James Carlile, his son, Michaell Carlile in Cokisfeild, Harbert Carlile of the Heuch, Alexander Carlile, son of "Litle Habbie," Johnne Martyne in Torthorwald, Johnne Lawder and James Furd, servitors to the Laird of Blans, and Frances Johnnstoun "callit of Locherbie," with others to the number of two hundred persons, "on fute and horse," armed with "swerdis, gantillatis, plaitslevis, jakis, lanceis, steilbonnettis, and with hagbutis and pistolletis." These persons came and "not onlie took hir violentlie af his hand," but committed a most fierce assault on him and wounded him in the head. "And the saidis Johnne Lawder and Frances Johnnstoun presentit bend pistolletis to the said Markis breist, avowing to schoote twa billotis through him, quhilk thay had not faillit to haif done, wer not be the providence of God the pistolletis misgaif." They "apprehendit the said Mark, keipit and detenit him prisonner; and, persaving by his violent blooding he wes lyklie to die in thair handis, thay put him from thame; and, resolveing to mak ane end of him, thay of new agane invaidit and persewit him of his lyff, left ane brokin lance sticking fast in him, and ane grite nowmer of bones are taikin oute of his head. And, at the verie tyme of the invaiding of him, thay moist disdanfullie cryit and said that thair sould not be ane penny auchtand to the said Mark before thay left him; and thay reft his purs frome him with letteris of horning, and avowit with mony horrible aithis to gar him eate thame."—Pursuers appearing personally, who state that the name of William Sinclair of Blans had been inserted because he was the spouse of "a speciall actour in the mater," although he was not present "at the deid libellit," and the said Harbert Carlile of the Heuch and Johnne Mundaill also appearing, but the other defenders not being present, the Lords assoilzie the appearing defenders, because they deny the charge on oath, and order the others to be denounced rebels. Decreta June 1615–Mar. 1615. Fol. 100, a. Fol. 100, b.

Prosecution of John Orr and Janet Moysie for illegal export of tallow, and of certain Leith sailors for illegal export of butter.

Complaint by the King's Advocate as follows:—Despite the divers acts of Parliament anent the transporting of tallow and butter, one Johnne Or, merchant, burgess of Edinburgh, and Jonet Mosie in Leyth, "haif usit that unlauchfull and wicked trade of transporting talloun thir divers yeiris bigane." His Majesty's officers have lately "deprehendit and challangit threttie barrell of talloun pertening to the said Johnne, and sex berrellis pertening to the said Jonet. And the said Johnne Or his coysenage and policie is so fyne to abuse and syle the eyis of the people that he hes barrellit this talloun as hering, puting some few hering at everie end of ilk barrell, and laying some hering scaillis upoun the barrellis." Also, the officers have taken 4 half barrels of butter belonging to Archibald Maistertoun, mariner in Leith, 2 half barrels belonging to James Mathiesoun, mariner there, 2 half barrels belonging to Johnne Lyell, mariner there, and one half barrel belonging to Andro Shaw, mariner there.—Pursuer appearing personally, and defenders also appearing, and having confessed that the goods were theirs and that they were about to export them, the Lords order all their moveable goods to be confiscated. Fol. 101, a.

Commissions. Fol. 223, b.

Commission under the Signet, signed by Jo: Prestoun, Glencarne, Lord Gordoun, Bishop of Ros, and Drummond, to William Douglas of Drumlangrig, to apprehend and exhibit before the Justice Waltir Scot, called "The Braid Androis Wattie," and William Scot in Saltscheillis, both fugitives for non-appearance before the Commissioners of the Middle Shires in the tolbooth of Jedburgh on charges of theft, resset, and other crimes, the former having been declared fugitive on 13th April 1613 and the latter on 5th May 1614.

Commission for the apprehension of Walter Scott and William Scott, Border fugitives.

Sederunts. Fol. 127, a.

"The quhilk day in presence of the Lordis of Previe Counsaill compeirit personalie Archibald Mortoun, maryner in Leith, James Mathiesoun, mariner thair, Johnne Lyel, maryner in Leythe, and Andro Shaw, mariner thair, and gaif thair grite and solemne oathe that thay nor nane of thame sall not transporte ony forbiddin guidis furthe of this realme heirefter; and everyone of thame become actit as cautionair for the uther that thay sall not transporte ony forbiddin goodis heirefter, ilkane of thame under the pane of j^{c} li."

11th January 1616, "*ante meridiem.*"

Obligation by certain Leith mariners not to transport forbidden goods.

"Ane commissioun to the Laird of Mukallis and utheris aganis Alexander Burnett."

Alexander Burnett.[1]

Acta Mar. 1615-Aug. 1617. Fol. 17, a.

Sederunt—President; Bishop of Sanctandrois; Bishop of Glasgow; Lord Gordoun; Bishop of Ros; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsythe; Medope.

Edinburgh, 16th January 1616.

"Forsamekle as, albeit the bearing, wearing, and useing of hacquebutis and pistolettis hes bene verie oft prohibite and dischairgit be the lawis of this kingdome, nevertheles, a grite nomber of people within the boundis of the schirefdome[s] of Aberdene, Banff, Elgin, and Forres, presomeing of impunitie in regaird of thair far distance from the place of justice, and under the cullour and pretext of shooting allanerlie at wyld foullis, they use the saidis hacquebutis and pistolettis for thair awne privat revenge, heichlie to the offence and contempt of his Fol. 17, b. Majestie and misregairde of law and justice, &c.; and whereas the bypast oversicht of this contempt hes bene ane grite encouragement to thir delinquentis to offend thairin, and the rather for that nane hes bene authorized with power and commissioun to try the same within the saidis boundis, and the informationis comeing from thense to his Majesteis officiaris hes bene so sclender and uncertane that, quhen nomberis of thir offendaris hes bene brocht to thair tryall, the verificationis producit aganis thame proved fruitles: and wee understanding the goode affectioun, sincere and upright inclinatioun of his Majesteis right trustie cosing and counsellour, George, Lord Gordoun, and his willing dispositioun to serve his Majestie and his countrie in ony chairge quhairof he is capable: thairfore his Majestie hes maid and constitute,

Commission to Lord Gordon for taking order with the illegal wearing and use of firearms within the shires of Aberdeen, Banff, Elgin, and Forres.

[1] This entry is under a new heading "11th January 1616," and should perhaps be marked *post meridiem*. As the Sederunt here given is identical with that found in the *Decreta* above, it is probable that the latter also refers to a meeting *post meridiem*.

and be the tennour heirof makis and constitutis, the said George, Lord Gordoun, and his deputis, whome his Majestie gevis him power to mak and for whome he salbe haldin to answer, his Majesteis justiceis conjunctlie and severallie in that pairt within the haill boundis of the saidis schirefdomes of Aberdyne, Banff, Elgin, and Forres to the effect underwrittin." Then follows a statement of the powers of the Commissioners in the usual form. The commission is to be in force for one year. Acta Mar. 1615–Aug. 1617.

Edinburgh, 16th January 1616.

[Sederunt as recorded above.] Decreta June 1615–Mar. 1616. Fol. 101, a.

Caption against Lindsay of Carriston for debt to the Earl of Morton.

Complaint by Williame, Earl of Mortoun, that Sir Harie Lindsay of Carrestoun, knight, remains unrelaxed from a horning of 2nd November 1614 for not paying to pursuer 5000 merks of principal and 500 merks of expenses.—Pursuer appearing by Alexander Douglas, macer, his procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Commission for the trial of Robert and John Morison for theft.

Commission under the Signet, signed by Jo: Prestoun, Sanctandrois, Lord Gordoun, Glasgow, Pa., Bishop of Ross, Elphingstoun, Kilsyth, and Medop, to Sir William Monteith of Kers, knight, and Sir William Monteith of Newlandis, his eldest son, to try Robert Moresoun in , and Johne Moresoun, his son, tenants of Sir William Monteith of Kers, who were apprehended on December last in the act of stealing a number of sheep from divers persons. They are now in the custody of the Laird of Kers, and are suspected of divers other crimes. Commissions. Fol. 225, a.

Edinburgh, 18th January 1616.

Sederunt—President; Lotheane; Lord Gordoun; Bishop of Ros; Cranstoun; Privy Seal; Justice Clerk; Advocate; Kilsyth; Medop. Decreta June 1615–Mar. 1616. Fol. 101, b.

Caption against Lord Kilmaurs for debt.

Complaint by Johnne Bartane, goldsmith, burgess of Edinburgh, and Janett Drummond, his spouse, that William, Lord Kilmaweris, remains unrelaxed from a horning of 22nd December last for not paying to them 2000 merks of principal and £200 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against John Irving for debt.

Complaint by James Dalzell, merchant, burgess of Edinburgh, that Johnne Irwing, burgess of Drumfreis, remains unrelaxed from a horning of 22nd February 1613 for not paying to him, as assignee constituted by the late Johnne Jaksoun, merchant, burgess of Edinburgh, 2000 merks of principal and £200 of expenses.—Pursuer appearing personally, and defender not appearing, there is order to the Captain of the Guard as above.

Caption against John Cairnie and

Complaint by James Maxwell, his Majesty's usher, heritable proprietor of the lands underwritten, that Johnne Cairny in Duncow, Fol. 102, b.

Decreta June 1615–Mar. 1616.

Fergus Greir there, Johnne Wilsoun in Halthorne, and Johnne Chairtres in Ridding Wood remain unrelaxed from a horning of 6th November last for not "fliting" themselves, their families, and goods from pursuer's lands.—Pursuer appearing by James Dowye, his procurator, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

others for non-removal from the lands of James Maxwell.

Fol. 103, a.

James Ramsay of Pryourlethame "being this lang tyme bigane wairdit within the burgh of Edinburgh upoun occasioun of that insolence committit be him aganis Gawin Weymes of Unthank, uncle to Sir Johnne Weymes of that Ilk" (*ante*, pp. 428, 430–1), and final sentence now pending on that matter "tuitching suche forder satisfactioun as salbe injoyned to the said James to be performit be him to the said Gawin and his said cheif," the Lords order the said Sir Johnne Weymes, his son and heir, and the said Gawin Weymes, on the one part, and the said James Ramsay, on the other part, to appear before them on 25th January instant.

In the matter of the continued confinement of Ramsay of Priorletham for insolence to Wemyss of Unthank.

Complaint by Williame Perie in Bogtoun as follows:—James Urquhart in Walkerhill, out of malice to pursuer and without any just cause, went on a day in June last to the lands of Bomad, and searched for the pursuer, "of purpois and intentioun, incaice he had apprehendit him, to have slane and murdreist him. And, finding him self disapointit of his intendit purpois, the said James Urquhart come to ane horse and twa meiris of the said complenaris, who wer pasturand upoun the ground of the saidis landis, and thair cuttit the taillis and rumpillis frome the said horse and meiris."—Pursuer appearing personally, and defender not appearing, the Lords order defender to be denounced rebel.

To denounce James Urquhart for mutilation of a horse and two mares.

Fol. 103, b.

The Lords having heard that there is "some variance and contraversie laitlie fallin out betuix James Johnnstoun of Rounstonfute, Gilbert Johnnstoun, sumtyme of Corheid, Robert Johnnstoun in Newtoun, and James Johnnstoun in Chapell, on the ane pairt, and Thomas Johnnstoun, younger of Beirholme, James Douglas in Lochens, Robert Grahame, his servitor, Roger Franche in Moffet, and Robert Frensche in Middlegill, on the uther pairt," had summoned Roger Franche to appear this day, "to have undirlyne sic ordour as sould have bene tane with him for the observatioun of his Majesteis peace."—The said Roger not appearing, the Lords order him to be denounced rebel.

To denounce Roger French for not appearing to a summons by the Council.

Complaint by Hew Roger, servitor to the Laird of Kers, as follows:— On 11th December last, while pursuer was in the house of his brother, Johnne Rogir in Quhytforret, Robert Mortymer in Auchinhalt, James Lyell in Blarifeddane, Robert Sampsoun in Boigwick, David and Robert Sampson in Quilko, and Richart Simpsoun there, came armed about midnight and lay about the house in wait for pursuer. And, "persaving in the moirning that the said complenair wes not liklie to come furth

Hew Roger against James Lyell and others for assault.

Fol. 104, a.

unto thame," they craftily "traynit" him from the house under the

pretext of wishing to buy a "naig" from him. Thereupon they assaulted him with "quhinzearis and swordis," and would have slain him had he not been rescued by some people. Again, on 12th December last, the said Robert Mortymer and James Lyell, with others, all armed, went to the lands of Quhytforrett, and, having apprehended defender, carried him to the place of Fynnevin, and detained him there for four hours.—Pursuer appearing personally, and the said James Lyell, Richard Simpsoun, and Robert Mortymer also appearing personally, and the other defenders not being present, the Lords assoilzie those who have appeared, because the charge was not proven, and order the others to be denounced rebels. Decreta June 1615-Mar. 1616.

Mr William Watson.

"The Lordis of Secreit Counsaill prorogatis the terme appointit to Mr. Williame Watsoun for his removing furthe of Bruntyland untill the first day of Aprile nixttocome; and Robert Dougall, mercheand, burges of Edinburgh, cautionair for the said Mr. William, compeirand personalie, consentit heirunto." Sederunts. Fol. 127, b.

Edinburgh, 23rd January 1616.

Sederunt—President; Bishop of Glasgow; Bishop of Ros; Cranstoun; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop. Decreta June 1615-Mar. 1616. Fol. 104, b.

Caption against Richard and James Routledge for debt.

Complaint by George Douglas of Freirschaw, that Richart Routledge in Cruik, and James Routledge, his son, remain unrelaxed from a horning of 23rd June last for not paying to pursuer £296 of principal and £30 of expenses.—Pursuer appearing personally, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Caption against John Rhynd and his brother for debt.

Complaint by James Harper, merchant, burgess of Edinburgh, that Johnne Rynd of Kers, and Gilbert Rynd, his brother, remain unrelaxed from hornings of 14th and 18th July last for not paying to pursuer "threescore bollis beir, gude and sufficient victuall of the mett and measour of the burrowis of Montros, Dundie, and Abirbrothok, or ony of thame, or ellis the darrest price that the lyke victuall gaif in the saidis burrowis" in 1613.—Pursuer appearing by James Martene, his procurator, and defenders not appearing, there is order to the Captain of the Guard as above. Fol. 105, a.

Adam French of Thornidykes put into the keeping of the Archbishop of Glasgow.

Sir George Home of Mandirstoun appearing and presenting Adam Fransche of Thornedykis (*ante*, p. 432), and William Home of Hardeismylne also appearing, and Sir Patrik Chirnesyd of Eistneisbitt also appearing and requesting to be relieved from his cautionary that the said Adam should not escape, the Lords order the said Adam to be "sequestrat" with James, Archbishop of Glasgow, and to remain with him till the first Council day in March next; his wife and friends to have access to him at their pleasure; and all matters concerning the said Adam, either anent the nomination of curators or otherwise, to lie over till that day.

Acta Mar. 1615–Aug. 1617. Fol. 18, a.

Sederunt—President; Bishop of Glasgow; Bishop of Ros; Cranstoun; Master of Elphinstoun; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kylsithe; Medop. Edinburgh, 25th January 1616.

Proclamation warning the people of Orkney against certain false rumours as to his Majesty's intentions and arrangements for the government of that country.

"Forsamekle as, some factious, seditious, and restles personis, lovearis of trouble and unquietnes, being greivit at the course of his Majesteis proceidingis in suppressing and punisheing of the laitt treasonable rebellioun raisit aganis his Majestie within the countrey of Orknay, and oute of the folie of thair awne imaginationis resolveing so far as in thame lyis to steir up some new disordoris in the saidis boundis and to withdraw the hairtis of the inhabitantis thairof frome thair obedience to his Majesties officeris whome his Majestie hes placed to reule over thame, for this effect they haif most falslie and mishantlie gevin oute and dispersit amangis the countrey people sindrie fals and untrew bruittis and rumoris that his Majestie hes maid dispositioun of that haill leving, and of the officies of justiciarie, schirefschip, admiralitie, and chalmarlanarie within the same, in favouris of some of the brether of the laitt deceist Erle; by the quhilk fals bruitis and rumoris they haif so far distractit the myndis and dispositioun of that countrey people that a grite many of thame ar beginning to misknaw his Majesties officeris and chalmerlanis, refuiseing to give unto thame ony kynd of obedience or to mak payment to thame of thair mailleis and dewties: and whereas the drift and purpois of thir treacherous and unworthie personis, sawairis and dispersairis of the saidis bruitis and rumoris, tendis to no other end bot to draw the simple and ignorant people of the said countrey under his Majesties offence and disgrace, and consequentlie to bring suche trouble, confusioun, and mischeif upoun thame as hardlie thairefter they salbe able to eshew: and the Lordis of Secrete Counsall being movit with pitie towardis thir people, and being loth that be the slicht and policie of suche factious and seditious personis they sall unnecessarlie involve thame selffis in suche disperate snairis and dangeris, tending so far to thair wraik, ruyne, and distructioun:—Thairfore the saidis Lordis ordanis letteris to be direct chairgeing officeris of armes to pas to the mercat croce of Kirkwall and utheris places neidfull, and thair be oppin proclamatioun to intimate and declare to all his Majesties lieges and subjectis that the bruittis and rumoris foirsaidis gevin oute and dispersit amangis thame ar most fals and untrew, and that the dispersairis and out gevairis thairof seikis no other thing bot thair wraick, ruyne, and distructioun, by intyseing of thame to imbrace and follow oute suche foolische courses as in end will involve thame under the guylt of heich treasoun; and thairfore to forwarne thame to be war that they gif not eare to suche foolische, fals, and untrew bruitis and rumoris heirefter, bot that they reverence, acknawledge, and obey his Majesties judgeis, officeris and chalmerlanis, who hes now charge over thame, in all thingis dew to thair officeis, and that they mak thankfull payment of thair mailles, fermes, rentes, and dewties to his Majesties saidis chalmerlanes

at the termes of payment thairof usit and wount, as they and everie ane of thame will answer upoun the contrarie at thair heichest chairge and perrell." Acta Mar. 1615–Aug. 1617.

[Sederunt as recorded above.] Decreta June 1615–Mar. 1616. Fol. 105, b.

Edinburgh, 25th January 1616.

Case of Ramsay of Priorletham.

This day appeared James Ramsay of Pryourlethame and found caution for 10,000 merks to remain within the burgh of Edinburgh till 30th January instant, when he shall appear before the Lords, and to keep the peace in the meantime. The Lords therefore free the Laird of Dalhoussy of the cautionary "quhairby he wes actit for the said James to this effect."

Caption against Sir James Forrester and his son for debt to Mr. Andrew Forrester.

Complaint by Mr. Andro Forrester, "minister at the parroche kirk of Dunfermling," and Helene Ramsay, his spouse, that Sir James Forrester of Torwoodheid and Alexander Forrester, his son, remain unrelaxed from a horning of 29th November last for not paying to them 600 merks of principal and 100 merks of expenses.—Pursuer appearing personally, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 106, a.

Caption against Alexander Horsburgh, younger, for not appearing to answer charges against him by his father.

Complaint by Alexander Horsburgh of that Ilk, that his son Alexander Horsburgh, younger, of that Ilk, remains unrelaxed from a horning of 12th September last for not appearing personally before the Lords to answer a charge "tuitching his comeing to the said complenairis yet, and invaiding and persewing Waltir Horsburgh, his sone, of his lyff with ane drawne swerd, mutilating him of his leg, and hurting and wounding of him in divers utheris pairtis"; also "tuitching his presenting and halding of ane bend pistollet to Johnne Horsburgh, ane uther of the said complenaris sones, his breist, of purpois to have slane him, wer not the pistollet misgaif" (*ante*, p. 384).—Pursuer appearing by Archibald Douglas, macer, his procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 106, b.

Protest on behalf of Andrew Henderson of Latoun, in his suit against John Matthew of Balhoussie, admitted.

This day appeared Johnne Hendirsoun, son of Andro Hendirsoun of Latoun, "and gaif in a copie of oure Soverane [Lordis] letteris of suspensioun, reasit at the instance of Johnne Mathew of Balhoussie, by the quhilk the said Johnne Hendirsoun alledgit that his said father wes chairgit to have compeirit, brocht, and producit before the saidis Lordis at ane certane day bigane the letteris of horning reasit at his said fatheris instance aganis the said Johnne Mathew, quhairby he wes chairgeit to mak, seale, subscryve, and delyver to the said Andro Hendirsoun ane renunciatioun of ane yeirlie annuelrent of ten bollis victuall, quhilk the said Johnne Mathew had furth of the landis of Freirtoun" (*ante*, p. 427).—The said Johnne Mathew not appearing, the Lords admit and allow the "protestatioun" of Johnne Hendirsoun that his father should not be held to answer further to the said letters of suspension, and also that the letters of horning raised at his father's instance against Johnne Mathew be put to further execution. Fol. 107, a.

Decreta June 1615–Mar. 1616.

Complaint by Mr. Robert Broun, son of the late Harye Broun in Keith, that he has been put to the horn wrongously at the instance of Alexander Stratoun in Toksydhoill for not having appeared before the Council to answer the charge of having gone to the said Alexander's house at Tokissydhoill with armed accomplices, and of having taken him from his house, carried him "the space of thrie quarteris of ane myle," and detained him "captive and presoner."—Pursuer being present, and the said Alexander Stratoun not appearing, the Lords stay the horning as requested.

Suspension of horning against Mr. Robert Brown.

Fol. 107, b.

Complaint by Mr. Thomas Young, writer to the Signet, that Isaak Patirsoun, tailor, burgess of Edinburgh, remains unrelaxed from a horning of 18th November last for not paying to pursuer 500 merks of principal and 100 merks of expenses.—Pursuer appearing by Alexander Tod, his procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Isaac Paterson for debt.

Sederunts. Fol. 128, a.

"The Laird of Thornidykis sequestrat of new with the Archiebishop of Glasgow till the first Counsaill day of Marche."

Laird of Thornydikes.

Decreta June 1615–Mar. 1616. Fol. 108, a

Sederunt—President; Bishop of Glasgow; Bishop of Ros; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsyth; Medop.

Edinburgh, 30th January 1616.

Complaint by James Rae, merchant, burgess of Edinburgh, that Johnne Anyslie *alias* Goodman, burgess of Jedburgh, as principal, and George Moscrop, provost of Jedburgh, as cautioner, remain unrelaxed from a horning of 19th December last for not paying to pursuer 500 merks of principal and 100 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, his procurator, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Caption against John Ainslie and George Moscrop for debt.

Commissions. Fol. 225, b.

Commission under the Signet, signed by Jo: Prestoun, R. Cockburne, Sir Alexander Drummond, Sir Gedeoun Murray, Sir William Oliphant, Glasgow, and Pa: Bishop of Ross, to Murdo Neilsoun in Achaneis, William Neilsoun in Moundaill, William Allester Orisone in Russell, and William Cook, messenger, or any two of them, to apprehend and exhibit before the Council Allester Robsoun in Dalrait, brother of Johne Robsoun in Berridaill, George M^cAllester Cryrie, and Alexander M^cAllester Roy in Dilrait, for fire-raising in the barnyard of Sansett belonging to William Innes in Sansett.

Commission for the apprehension of Allaster Robson and others for fire-raising.

Sederunts. Fol. 128, a.

"Commissioun aganis the [burnaris] of the Lord Forbes [cornis]."

Lord Forbes.

Minute Book.

The *Minute Book of Processes* gives the following memoranda collectively for the month of January 1616:—

Letteris to cite the Marquis of Huntly, &c., to appear and give advyce for setling the Illis disturbed be M^cDonald.

Diligence: Mark Gladstanes against Lady Torthorwald. Minute Book.

Protestatione: Mr. Robert Broun against Alexander Stratoun.

Petitione: James Wricht against Johne Stark to exhibit Johne Hutcheon, rebell.

Band: Sir Robert Stewart for Alexander Stewart to prorogate submissione betuixt him and Johne Pringill.

Proces anent the making of reid herring.

Edinburgh, 1st February 1616.

Sederunt—President; Bishop of Glasgow; Bishop of Ros; Treasurer Depute; Justice Clerk; Advocate; Kilsyth; Medop; Sir Andro Ker. Decreta June 1615–Mar. 1616. Fol. 108, b.

Liberation of James Ramsay of Priorletham from his ward on certain conditions of humiliation for his offence to Wemyss of Unthank.

Sir Johnne Weymes of that Ilk, Johnne Weymes, his son and heir, and Gawin Weymes of Unthank, on the one part, and James Ramsay of Pryourlethame, on the other part, had been summoned to appear this day in the matter of the charge against the said James Ramsay for the insolence committed by him against the said Gawin by "invaiding and troubling of him in the hie way and passage and compelling of him to go bak," for which he had been "this lang tyme bigane wairdit within the burgh of Edinburgh" (*ante*, pp. 447, 450).—The said Laird of Weymes, younger, appearing now by Robert Auchmoutie, his servant, "wha producit ane missive lettir writtin from his maister to the Lord President, bearing that he wes content with ony satisfactioun the said Lordis wald prescryve, and, gif his cosine wer satisfeit, his querrell sould cease," and the said Gawin and the said James Ramsay being also present, the Lords order the said James to acknowledge his offence in their presence, and "humelie upoun his kneis" to crave pardon, and to promise never to give any occasion of offence to him hereafter; to do Fol. 109, a. the like in the kirk of St. Androis "foiranentis the pulpett" on Sunday 11th February, after sermon and "afoir the last prayeris," in presence of the magistrates of the city of Sanctandrois and the congregation: not to repair to the said city before that date: and to find caution in £1000 to obey these orders, and also to find caution in £1000 to keep the peace. The Lords order the said Gawin to accept the above humiliation "in full satisfactioun of the offence foirsaid, and to tak the said James be the hand and to imbrace him, and to remitt all rancour, haitrent and malice,"—which the said Gawin promised to do. And the said James Ramsay thereupon on his knees acknowledged his offence, and promised never to offend again; and the said Gawin took him by the hand.—Johnne, bailie of , indweller in Edinburgh, who was present, became cautioner for James Ramsay for the former of the above sums; and Ramsay of Quhythill became caution that the said James will keep the peace.—Which being done, the Lords relieve the said James from his ward within the burgh of Edinburgh.

John Moir in Leith, and Thomas Lamb,

Complaint by Niniane Broun and William Gray, indwellers in Fol. 109, b. Leith, as follows:—Johnne Moir in Leith having unjustly and out of

Decreta June 1615-Mar. 1616. Fol. 109, a.

malice raised letters against pursuers "for finding of lawsouirtie," they raised a suspension, found caution, and "causit use and execute the saidis letteris alsweill aganis the said Johnne Moir, pairtie, as aganis Thomas Lamb, messinger." And, the said Johnne Moir "not contenting himselff with the saidis complenaris finding of the said cautioun and lawsouirtie, bot out of his distemperit humour seiking all meanis and wayis quhairby to disgrace the saidis complenairis, and to scorne and mok the justice of this cuntrey, he, be the counsaill, advise, directioun, and informatioun of the said Thomas Lamb, messinger, resolvit to denunce the saidis complenaris to the horne be sound of trumpet upoun the schore of Leith. And, becaus the said Thomas Lamb durst not himself use the said denunciatioun, in respect of the suspensioun foirsaid, quhairby he wes dischairgit of all forder proceiding in that mater, and the said Thomas knawing that no uther officer wald use suche ane scoffing forme of denunciatioun, he thairfore proponnit to the said Johnne Moir ane David Lindsay, ane depryvit messinger, as a persone most fit." The said David agreeing, and likewise one William Mar, trumpeter, being willing, Johnne Moir went with them to the shore of Leith, and assembled together a great number of people "to behold thair doingis." The said trumpeter "soundit his trumpet sex severall tymes, quheras his Majesteis royall proclamationis ressaves onlie thrie soundis; and then the officer read first ane inhibitioun, and thairefter letteris of lawburrowis, and intimat to the people that the saidis complenaris had dissobeyit the saidis letteris of lawburrowis, and that thairfore he wes to denunce thame to the horne; and than, instead of geving of thrie blastis with his horne, he causit the trumpetour denunce the saidis complenaris with uther sax soundis of the trumpet, useing all this meantyme suche ane scornefull jesture and countenance, with lauching and noding of thair headis, as wes unseamelie to behold. And immediatlie thairefter thay come to the saidis complenairis housis and at the yet thairof with the lyke soundis of trumpet thay usit a new denunciatioun."—Niniane Broun appearing for himself and William Gray, and the said Thomas Lamb, Johnne Moir, and David Lindsay being also present, the Lords find that Johnne Moir "hes verie fer contempnit and mockit justice" by the proceedings on the shore of Leith, "quhilk is na ordinair lauchfull nor accustumat place," and that Thomas Lamb "hes committit ane grite abuse and oversicht," and order both defenders to be imprisoned in the Tolbooth of Edinburgh, and to remain there at their own expenses during their Lordships' pleasure.

messenger, committed to ward for an unauthorised and malicious performance of the ceremonial of horning against Ninian Brown and William Gray.

Fol. 110, a.

Complaint by Thomas Lamb, messenger, and Johnne Moir, "in his Majesteis Work in Leith," as follows:—Johnne Carmichaell in Leith had a money debt owing to Johnne Moir, who raised letters of poinding to obtain payment. Thomas Lamb, messenger, was employed to execute the same. He went on 1st and 4th December with Johnne Moir and some witnesses to the "tymmer hoiff of Leyth," and poinded a great quantity of timber. "Some few houris efter the compriseing, Niniane

Counter complaint of the same John Moir and Thomas Lamb against the same Ninian Brown and William Gray: complainers nonsuited.

Broun in Leith come to the said Johnne Moiris house, quhair the saidis complenaris wer for the tyme, and challangeit the said tymmer to pertene to thame. Quhairupoun the said messinger, for the bettir cleiring of this mater, haveing tane the said Niniane deiplie sworne quhidder or not the tymmer foirsaid pertened to him, he be his grite aith denyit the same to pertene to him. Upoun the quhilk denyall the saidis complenairis with his witnesis went of new to the said hoiff" on 7th December "to have possest the said Johnne Moir with the said tymmer." Thereupon Niniane Brown and William Gray violently assaulted the messenger, and "schamefullie and unhonnestlie with feit and handis buffeted and boxed him, gaif him mony bauch and bla straikis upoun divers pairtis of his body, pullit his cloik frome him, and tramptit the same in the foull sandis and gutteris." Thereafter Niniane pulled out his "quhinyeair" and would have slain pursuers had they not escaped by "the providence of God, and thair awne bettir defence." Again, on another day in December, Johnne Moir gathered together six or seven score of people at pursuer's stair foot "in his Majesteis Wark in Leyth, and thair, efter a verie scornefull and disdanefull maner, causit ane officer of airmes cry divers oysis and oppinlie proclame ane pretendit inhibitioun in his Majesteis name at thair instance aganis the said Johnne Moir, uttering thairwithal in the verie meantyme mony idill and unseamelie speitcheis full of bitter tantis, mokis, and dispytfull jestis."—Pursuers appearing personally, and defenders also appearing, the Lords assoilzie defenders because no point of the complaint is proven. Decreta June 1615–Mar. 1616. Fol. 110, b.

Francis Hay liberated from the Tolbooth of Edinburgh, where he has been a prisoner for not finding lawburrows to his brothers-in-law.

Complaint by Frances Hay, "chopman," as follows:—On 20th November last, he was incarcerated in the Tolbooth of Edinburgh for not finding lawburrows to Chairlis, James, Johnne, and Samuell Wilson, his brothers-in-law, that their wives and children "sould be harmeles and skaithles" of him, under the pain of 400 merks. This "far exceidis his haill moyen"; and pursuer has nothing to "defray his chairgis in the said Tolbuith, except that quhilk good people out of thair awne pitie bestowis upoun him to interteny his present lyff." The defenders have not only kept him in ward, but have poinded his "merchand pack; sua that thay have altogidder depauperat" pursuer; and "thairfore his persone aucht not to be arreistit and his guidis poindit for a caus." As pursuer cannot get caution, "he is content to act him selff that the saidis personis salbe hairmeles of him, undir sic sowmes as the Lordis sall modifie."—Pursuer appearing personally—"he being brocht frome the Tolbuith be Andro Quhyte, jaylour,"—and Samuell Wilsoun being also present, "who declairit that he knew nothing of the chairgeis of lawburrowis usit aganis the said Frances, and that he had nothing to say aganis him thairanent," the Lords, seeing that pursuer "is a poore miserable body," order the Provost and Bailies of Edinburgh to put him at liberty. Pursuer has "actit" himself under the pain of £40 not to molest defenders, their tenants, or servants. Fol. 111, b.

James Tweedie ordered into

Complaint by Mr. James Eistoun, son of James Eistoun, burgess of Fol. 112, a.

Decreta June 1615–Mar. 1616. Fol. 112, a.

Edinburgh, as follows:—"Albeit his Majestie before his depairture furth of this realme, and the Lordis of Secrite Counsaill sensyne, hes verie straitlie prohibite and dischairgit all his Heynes leigeis and subjectis, that nane of thame presome nor tak upoun hand to invaid or persew ane another within the burgh of Edinburgh, or within ane myle to the saidis Lordis residence, undir certane panes mentionat in his Heynes proclamationis maid and publeist thairanent,"—nevertheless on a day of this month, while pursuer was coming from the Lynkis of Leith, "quhair he had bene recreating him selff at the gowff," to Edinburgh, he was attacked by James Twedy, son of Mr. Johnne Twedy of Dreva, with a drawn sword, and had his hat and cloak cut. Defender "raschet him to the ground, and, he being lying on the ground, he reft frome him his cloub, quhairwith he defendit him selff frome his persute," and, giving him many blows, would have succeeded in killing him had not some people interfered.—Pursuer appearing personally, and defender not appearing, the Lords order defender to enter his person in ward within the Tolbooth, and to remain there at his own expense during their pleasure.

ward for an assault on Mr. James Easton between Leith and Edinburgh.

Sederunts. Fol. 128, b.

"The submissioun betuix Johnne Pringle of Bukholme and Alexander Steuart prorogat with consent of pairtyis to the first day of Merche nixttocome."

Pringle and Stewart.

Acta Mar. 1615–Aug. 1617. Fol. 18, a.

Sederunt—President; Privy Seal; Master of Elphinstoun; Treasurer Depute; Justice Clerk; Advocate; Kilsythe; Medop.

Edinburgh, 6th February 1616.

The Lords having been informed "that Kincaid of that Ilk hes of late directit some challenge and cartall to Sir George Elphinstoun, knicht, quhilk the said Sir George hes or intendis to challenge, whairupoun some grite inconvenientis will not faill to fall oute to the break of his Majesties peace and disquieting of the countrey without remeid be providit," there is order to both parties to appear on , and in the meantime to keep the peace.

Charge to the Laird of Kincaid and Sir George Elphinston.

Decreta June 1615–Mar. 1616. Fol. 112, b.

[Sederunt as recorded above.]

Edinburgh, 6th February 1616.

Complaint by the King's Advocate, Johnne Stewart of Tracquhair, and Sir Robert Stewart of Schillinglaw, knight, his tutor, as follows:—The said Johnne Stewart and his tutor, having, in December 1613, obtained a decreet before the commissaries of Peblis against William Trumble, younger, of Bedreule, for payment of £18, 13s. 4d., gave the execution of the precept to Adam Goold, messenger. The said Adam went on 8th December 1614 to the said William's dwelling house and poinded "four ky and oxin." When he was bringing these away, Thomas Trumble, eldest son of defender, and George Douglas, his servant, not only deforced him in the execution of his duty, but "thay pat violent handis in him, closit the yetis of the said house, and held and detenit him as presoner thairin the space of houris." Defenders also wear hagbuts and

To denounce William and Thomas Turnbull, at the instance of Stewart of Traquair and his tutor, for deforcement of a messenger.

Fol. 113, a.

pistollets on their persons. They did so especially in the months of August, September, October, and November last.—The King's Advocate appearing, and the said Sir Robert Stewart appearing for himself and the Laird of Tracquair, and defenders not appearing, the Lords order these to be denounced rebels. Decreta June 1615–Mar. 1616. Fol. 113, a.

Caption against William Cockburn of Skirling for debt.

Complaint by Robert Hay, "indwellair in the Cannogait," that William Cokburne of Skirling remains unrelaxed from a horning of 16th January for not paying to pursuer £370, 13s. 4d. of principal and 100 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Edinburgh, 8th February 1616.

Sederunt—President; Bishop of Glasgow; Lotheane; Master of Elphinstoun; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Kilsythe; Medop. Acta Mar. 1615–Aug. 1617. Fol. 18, b.

Charge to Gordon of Gicht and the Hays of Brunthill.

The Lords understanding "that thair is some variance and contraversie laitlie fallin out betuix Gordoun of Geycht, and Williame Hay, his sone in law, on the one pairt, and Alexander Hay of Brunthill, Williame and Mr. Patrik Hayes, his sones, on the other pairt," there is order to both parties to appear on , and meantime to keep the peace, the former under the pain of 5000 merks each and the latter under the pain of .

Edinburgh, 8th February 1616.

[Sederunt as recorded above.]

A glazier of the Canongate in trouble for practising his craft in Edinburgh.

Complaint by George Lachreis, servitor to George Storie, glasinwricht," burgess of the Cannogait, and the said George Storie, as his master, that on 29th January last, an ordinary market day, he was arrested by the Bailies of Edinburgh and lodged in the Tolbooth,—in which he is still detained. Pursuer has committed no offence; yet the defenders refuse to give him his liberty.—William Speir, bailie, for himself and the other bailies, and Arthour Hammiltoun, deacon of the wrights, "upoun whose complaint and informatioun the said complenair wes wairdit," being present and exhibiting the said pursuer, it was urged by defenders that they had arrested pursuer "because he, being ane unfreman, had usurpit upoun him the fredome, previledge, and libertie of the frie burgesis of the said burgh, in setting up and mending of glas windois in the said burgh." It was answered "that the craftismen of the Cannogait hes libertie and previledge grantit unto thame to worke outwith the fredome of the said burgh"; in proof of which there was produced an act of Privy Council, dated 2nd February 1604, in favour of the wrights of the Cannogait.—The Lords find that pursuer has "usurpit upoun him the fredome and previledge of the frie craftismen" of the burgh—"as wes confest be him selff,"—and therefore assoilzie defenders. They order pursuers to find caution for £20 *toties quoties* to forbear from doing the like in future. Decreta June 1615–Mar. 1616. Fol. 113 b. Fol. 114, a.

Decreta June 1615–Mar. 1616. Fol. 114, b.

Caption against Scott of Thirlstane for debt to Scott of Harden.

Complaint by William Scott, younger, of Harden, and Agnes Murray, his spouse, that Sir Robert Scott of Thirlstane, knight, remains unrelaxed from a horning of 9th January last for not paying to pursuers 600 merks of principal and 100 merks of expenses.—Pursuers appearing by Archibald Douglas, macer, their procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 115, a.

Allowance for coal and candle till May next to the Earl of Crawfurd in his confinement in Edinburgh Castle.

"Whairas by ane formair warrand of the thrid of Januair last the Lordis of Secrite Counsaill allowit to David, Erll of Craufurd, the sowme of sex schillingis, aucht pennyis, daylie for furnissing of him with coile and candle, in respect he wes maid cloise prisonner within his chalmer, and had not fredome throughout the housis of the Castell of Edinburgh, as he wes wont to haif, and that by and attour his formair allowance of ane merk in the day grantit unto him be ane preceiding act of Counsaill beiring dait the 8th day of Junij 1615; and seing the tyme quhairin thair wilbe necessitie of coill and candle will now schortlie expyre and rwn out: thairfor the saidis Lordis ordanis the said sowme of sex schillingis aucht pennyis modifeit and allowit to the said Erll for coill and candle to be payit unto him fra the said thrid day of Januair unto the first day of Maij nixttocum allanerlie, and no longer."

Caption against John Lundie for non-removal and for debt.

Complaint by Adame Young, sometime in Abirnie, and now indweller in , that Johnne Lundie, sometime in Abirnie, now indweller in Montrois, remains unrelaxed from a horning of 9th November 1613 for not leaving the "thrid pairt of the land of Abirnie, sumtyme possest be the said complenair, and out of quhilk he wes ejectit be the said Johnne and his complices"; for not restoring "a certane grite quantitie of coirnis, cattell, insicht plenisching, guidis and geir, maisterfullie spuilzet and awaytane be the said Johnne," or giving the value of the same, as mentioned in a decree of 22nd February 1612; and for not paying £20 of expenses, and £5 for collector's fee.—Pursuer appearing by Archibald Douglas, macer, his procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 115, b.

Mr. Robert Brown committed to ward for illegal arrest of Alexander Stratoun.

Complaint by Alexander Stratoun in Toysydhoill, as follows:—While pursuer was in his house in Toxsydhoill, Mr. Robert Broun, son of the late Harie Broun in Keith, came with armed accomplices, and carried him away prisoner for three quarters of a mile, and then detained him for some time.—Pursuer and defender being personally present, the Lords find that the defender has committed a very great offence, and order him to be imprisoned in the Tolbooth of Edinburgh, and to remain there at his own expense during their pleasure. The Lords furthermore order that both parties find caution in 500 merks each.

Commissions. Fol. 226, a.

Commission for the trial of Matthew King for manslaughter.

Commission under the Signet, signed by Jo: Prestoun, Ja: Glasgow, Lotheane, and Elphingstoun, to Alexander Porterfeild, apparent of Douchall, Mr. Petir Houstoun of Soutoun Wester, and William Knox of

Silvieland, to try Mathew King in Machernok, tenant of Patrik Maxwell of Newark, who slew Alexander Andersone in Machernok, another tenant of Patrik Maxwell, on 1st February instant, and who is now in the said laird's custody. Commissions.

Edinburgh, 13th February 1616.

Sederunt—President; Master of Elphinstoun; Privy Seal; Justice Clerk; Kilsayth; Medop; Advocate. Sederunts. Fol. 129, a.

[No record of proceedings.]

Edinburgh, 15th February 1616.

Sederunt—President; Lotheane; Master of Elphinstoun; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Kilsythe; Medop. Acta Mar. 1615–Aug. 1617. Fol. 19, a.

Renewed proclamation for keeping Lent.

Renewed proclamation for keeping Lent, ordaining that no one shall after this present day eat flesh during Lent under these pains:—an earl, £100; a lord, 100 merks; a baron, £40; every "oislare, commoun cooke, and burges that sellis meit and drink," £40; and every gentleman, such sum as seems good to the judges. Fleshers are not to sell meat during that time under the pain of £40.

Proclamation intimating his Majesty's intention of visiting Scotland in the following year, and ordering the strict observation meanwhile of the laws against the hunting or shooting of deer, hares, and wildfowl, so that there may be abundance of such game for the recreation of his Majesty and his retinue when they arrive.

"James, be the grace of God King of Grite Britayne, France, and Irland, Defender of the Faith. To our loved Fol. 19, b.
oure schireffis in that pairt, conjunctlie and severallie, speciallie constitute, greting.—Forsamekle as our owne earnest desyre, the prayeris and hairtie wisheis of our most loving subjectis of our kingdome of Scotland, and the affaires of that estaite have earnestlie invited us these many yeiris bygone to visite that our native countrey, whiche the necessitie of our presence in this our kingdome of England for setling of our affairis of heichest moment, removeing the contraversies and querrellis, and procureing the peace of the most pairt of the kingdomes and estaitis of Christendome by our care, travellis, and credite have heirtofore impeshed, —all whiche being now, by Godis assistance of our sincerlie intended counsellis and paynes, brocht to so happie quietnes as wee exspecte no farther lette of our ever encreasing affectioun to see our faithfull people of our most ancient kingdome in the yeir 1617: And knawing that our repare thether will necessarlie draw with us grite nomberis of nobilitie and gentlemen, alsweill of England as strangeris, for whose recreatioun, exercise, and pastime necessarie it is that deare, haires, and wildefoule be preserved and carefullie haned, whereby lykewise the same may be the more abundant for the use and interteynment of our Courte and the credite and goode reporte of the countrie:—Oure will is heirfore, and wee chairge yow straitlie and commandis, that, incontinent thire our letteris sene, yee passe to the mercatt crosses of the head burroughis of that our kingdome and all uther places neidfull, and thair in our name and auctoritie command and chairge all and sindrie our liegis and subjectis to keepe and observe the actis of Parliament, Secrite Counsall, and proclamationis heirtofore maid against slayeris of deere, raes, haires

Acta Mar. 1615–Aug. 1617.

and wildefoulle, under the paines thairin conteyned; as also that of new ye forbid and dischairge all our subjectis of whatsoever estait or qualitie to hunt, shoote, or slay anie deere or rayes on Cheviot . . boundis of the late Bordouris, being now the Middle Shires of our kingdomes; and that in lyke maner yee dischairge all the inhabitantis of the Heighlandis and countries adjacent thairto, and all utheris our subjectis, to hunt, shoote [or slay], by onie ingyne or inventioun whatsoever, anie deeres, rayes, or wyld[foulle in that] or ony uther pairt of that our kingdome, or to hunt haires eyther with . . or greyhoundis within eight miles of our palaceis of Halyrudhous, Lin[lithqw], Stirline, Dumfermeline or Falkland, or the townes of Glascow, [Perth], or Brechin,—certyfeing thame and everie ane of thame that whosoever sall contravene anie pairt of this our dischairge and prohibitioun salbe punished with all rigour in thair personis and goodis, according to the saidis preceding actes of Parliament, Secret Counsall, and proclamationis formarlie maid thairanent, and farder as wee sall find the qualitie of the contempt and disobedience to merite our indignatioun and rigour. Sicklyke that yee in our name and auctoritie command and chairge all and sindrie our schireffis, stewartis, justices of peace, and all utheris bearing ony office, chairge, or commandment under us, every one of thame within the boundis of thair awne limitis office [and jurisdiction], that thay haif a speciall care and regaird to see this [proclamatioun] to be precislie observit and keipit within thair

Fol. 20, a.

boundis; [and, yf ony] persone or personis dar presome to be so malapart to violate the same, that thay notifie thair names to our Previe Counsall, to the effect ordour and directioun may be gevin for thair punishement as accordis—as our saidis schireffis, stewartis, justices of peace and utheris foirsaidis will answer to us upoun the dewtifull discharge of thair office. And this our command, ordinance, and prohibitioun to indure till the moneth of September 1617. Gevin under our Signet at our courte at Newmarket, the nynetenth day of Februarie 1616."

Decreta June 1615–Mar. 1616.

[Sederunt as recorded above.]

Edinburgh, 15th February 1616.

Fol. 116, a.

Suspension of horning against Mr. Clement King, doctor of medicine, for intercommuning with Jesuits.

Complaint by Mr. Clement King, doctor of medicine, as follows:—He is informed that he has been put to the horn for not appearing before the Council to answer a charge of having heard mass, and of having had communication with the Jesuits Ogilvy and Moffett. Pursuer was never lawfully summoned; yet, for obedience, he had found caution in 500

Fol. 116, b.

merks to appear to-day. He requests that the process be suspended.—The pursuer and the King's Advocate appearing personally, and the former having produced a royal remission granted under the great seale to him for "resset, supplie, and intercommuning with Jesuitis," dated 2nd January last, and denied that he had heard mass, "affermeing that he wald seik no remissioun for the same, bot wald submitt him selff to the tryall of the law," the Lords, "in respect of the remissioun foirsaid,"

suspend the letters of horning, and remit the question of the hearing of mass to the proper court. Decreta June 1615-Mar. 1616.

George Graham.

"The quhilk day a warrand wes past for putting of George Grahame to libertie, conforme to a directioun in write send doun frome the Kingis Majestie to that effect." Sederunts. Fol. 129, a.

Edinburgh, 20th February 1616.

Sederunt—President; Master of Elphinstoun; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Kilsyth; Medop. Decreta June 1615-Mar. 1616. Fol. 117, a.

Caption against Monypenny of Kinkell for debt.

Complaint by Mr. Thomas Young, writer, that Thomas Monypenny of Kinkell remains unrelaxed from a horning of 7th February for not paying to pursuer 800 merks.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Kininmonth of that Ilk, and his wife and his sons, for not finding caution for the indemnity of James Hamilton.

Complaint by James Hammiltoun, "ane of the four ordinair maiseris of the Counsall and Sessioun," that David Kyninnmonth of that Ilk, Marie Seytoun, his spouse, Patrik, Andro, David, and Johnne, their sons, and Andro Traill of Bamill remain unrelaxed from a horning of 26th January last for not finding caution for the indemnity of the pursuer.—Pursuer appearing personally, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Edinburgh, 22nd February 1616.

Sederunt—President; Lotheane; Scone; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsyth; Medop. Fol. 117, b.

Caption against Sir James Forrester and his spouse for debt.

Complaint by Johnne Cowane, son of Andro Cowane, merchant burgess of Striveling, and Issobell Forrester, "oy" of the late Agnes Nicoll, relict of William Forrester, burgess, Striveling, that Sir James Forrester of Gairden, knight, and Dame Margaret Flemyng, his spouse, remain unrelaxed from a horning of 22nd November last for not paying to pursuers the following sums:—200 merks of principal and £20 of expenses owing by Sir James to Andro Cowane; 1000 merks of principal and £100 of expenses owing by Sir James to Issobell Forrester; 520 merks 40d. of principal and £50 of expenses owing by Sir James and his wife to the said Issobell.—Pursuer appearing personally, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Aulay Macaulay, fiar of Ardoch, committed to ward in the Tolbooth of Edinburgh for contempt of

Complaint by the King's Advocate, and Johnne Cunynghame and Cristopher Alexander, bailies of Striveling, and Robert Patirsoun, "litster," burgess there, as follows:—On Sunday 2nd July last, immediately after sermon, Aulay M°Awlay, fiar of Ardoche, "being at table and company with the said Robert Patirsoun besyde the nether pairt Fol. 118, a.

Decreta June 1615–Mar. 1616. Fol. 118, b.

the Magistrates of Stirling, assault on two of them, and violent rioting in the burgh.

of the said burgh, quhilk wes the said Aulayis hie way hame toward his awne house, the said Aula enterit in querrelling speitcheis and bitter termes with the said Robert, and maist proudlie and disdanefullie said unto him that, anent the wrang done be the said Aula of before to David Gairdin, litster, the provest and bailleis of the said burgh durst not for thair luggis mell with him, for he had already brokin ane bailleis heid in Dunbertane and no mendis wes gottin of it, and he durst that day do the lyke at the croce of Striveling gif he pleasit. And thairwith [he] caist ane grite bicker full of aill in the said Robertis face, for his modestlie saying he spak over undewtifull of the magistratis foirsaidis, and with the straik bled the said Robert in the face. And, to the forder contempt of the saidis magistratis, said he had a fellow in his company, callit Johnne Wricht, who wes ane honnester man nor the provest and bailleis of the said burgh. And, not content thairwith, he efter a verie insolent maner braggit, boistit, and with horrible aithis avowit, that he sould go presently to the mercat croce of Striveling, and thair publictlie and oppinlie manifest and avow all that he had said. Lyke as, accordinglie, he come directlie to the mercat croce of the said burgh, and thair maist proudlie and malapairtlie braggit, boistit, and oppinlie said quha durst find fault with him for his speitcheis and misbehaviour foirsaid. Quhairupoun complaint being maid to the saidis tua bailli[e]s be the said Robert Patirsoun, the saidis bailleis, for the dischairge of the dewtie of thair office and for quieting of the said burgh and staying of all forder trouble, come in a verie modest and peciable maner to the said Aula at the mercat croce, quhair he wes going bragging and boisting in maner foirsaid, and thair in his Majesteis name and auctoritie causit thair officeris command the said Aula to go to waird within the tolbuith of the said burgh, thairin to have remanit quhill he had found cautioun to have bene answerable for the offensis foirsaidis. The said Aula maist proudlie and avowetlie dissobeyit the command foirsaid, and thairwithall pullit out his swerd, and, without respect had be him to the saidis magistratis, who representis his Heynes royall persone, preast to have strakin at thame, and to have slane thame thairwith; and oppinlie said he wald nather put up his swerd, nor go to waird 'nowther for provest nor bailleis and thay had all hangit thame selffis.' And thairefter he went to ane cloise head with his drawne swerd in his hand, and thair stood at his guard withstanding and deforceing the saidis magistratis, quhill the saidis bailleis wer forcit to surprys the said close at ane bak yett, and, with the assistance of some of the nichtbouris of the toun, come upoun him and tooke his swerd frome him. And, the saidis bailleis being convoying the said Aula to waird, he pullit oute ane knyff oute of his poutche, and with the same most cruelly and unmercifullie strak at the saidis bailleis and invaidit and persewit thame of thair lyveis, strak the said Cristopher cloise throw the left hand, and hurte and woundit the said Johnne Cunynghame deidlie in the richt knye, to the grite effusioun of thair

Fol. 119, a.

bloodis, and hasard and perrell of the said John Cunynghames lyff, quhairof he hes continewalie sensyn lyn bedfast in grite dolour and pane undir the cure of chirurgianes and is not lyklie to convalesce, but wilbe leamit and mutillat of his leg all his dayis."—Pursuers and defender appearing personally, the Lords find for pursuers, and order defender to be imprisoned in the Tolbooth of Edinburgh, and to remain there "ay and quhill he satisfie his Majesteis Thesaurair" and also the said bailies and Robert Patirsoun, and till he give contentment to the burgh of Stirling "for the contempt done be him aganis the haill toun by misuseing, contempning, and disobeying of thair magistratis." Decreta June 1615–Mar. 1616. Fol. 119, a.

The said Aulay Macaulay's version of the same transaction, and counter complaint against the Magistrates of Stirling: the Magistrates assoilzied, and commended for what they have done, and the sentence upon Aulay confirmed.

Complaint by Aula M^cAula, fiar of Ardoche, as follows:—While pursuer was walking on the High Street of Striveling beside the Cross, "gevand no mater of offence by word nor deid," the provost and bailies, accompanied by their officers and others, came to him, and "arrogantlie demandit and askit of him quhairfore he wes walking thair. And, the said complenair haveing verie calmelie and modestlie answerit that he wes a gentilman and his Majesteis lauchfull subject, and that thairfore he micht walk upoun the Hie Streit at his pleasour, thay, without ony forder occasioun of offence done be him to thame, first commandit the said complenair to the tolbuith, and than, disarmeing him of his swerd and armour, thay pat violent handis in his persone, and preist violentlie to harle him to the tolbuith. . . Divers of thame, especialie the bailleis thame selffis, verie schamefullie and unhonnestlie strak and dang the said complenair with thair nevis; and, with the prease of the unreulie multitude, the said complenair wes so beset and confoundit that he expectit nothing bot present death, so that, being walkynit and steirit up with the fear of death, and with the schamefull disgrace quhilk wes done unto him by buffeting and misuseing of him in maner foirsaid, the said complenair wes movet to draw ane knyff quhilk he had upoun him (he being disairmed of all uther airmour); and, preissing with that knyff to hald the rascall multitude af him, it happynnit that one Johnne Cunynghame, burges of Striveling, the said complenaris awne deir freind and tendir kynnisman, happynnit to get a litle stryk upoun the knee with the knyff, he knawing that the said complenair intendit no forder harme to him nor to his awne hairt. Quhairupoun the said complenair wes than by the force of the multitude thrust to the tolbuith of the said burgh, and layd in the irnis. And, whenas the said complenair undirstood that the said Johnne wes hurte, he wes so fer tuitchit with greif and sorow for that unhappie accident, and with a cair of his preservatioun and helth, that he causit provyd ane verie perfyte and skilfull chirurgiane to haif cured him,—who comeing to him, and haveing considderit his wound and hurte, he undirtook upoun the hasard of his lyff within few dayis to have maid the said Johnne haill. Bot the saidis provest and bailleis, upoun some privat miscontentment of thair awne, refuisit to suffer the said complenaris chirurgiane to lay hand on him, and committit him to the cure of ane ignorant fellow of the toun, who Fol. 119, b. Fol. 120, a.

Decreta June 1615–Mar. 1616.

did so magle the said Johnne Cunynghame that he wes brocht to the verie point of daith without all appeirance or lykliehood of recoverie; and without all questioun he had miserablie perischeit in that fellowis handis within verie few dayis, wer not be the providence of God he wes brocht to the burgh of Edinburgh, and committit to the cure of more skilfull personis, who now in end hes cured him. And, althocht the said Johnne Cunynghame, upoun some speciall considerationis and conditionis, wes moved to consent to the said complenairis libertie, and both by word and write did signifie the same to the provest and bailleis," nevertheless they will not grant him his liberty and still treat him in a manner "dew to most vyle and odious traytouris,—to wit thay have haldin him everie nicht sensyn in the irnis, and both day and nicht undir the keiping of four of thair officeris, upoun his chairgeis and expensis; quhairthrow the said complenair hes so fer exhaustit, wraikit, and undone his small and meane estaite that he is unable to gif that contentment and satisfactioun to the pairtie quhilk out of conscience he wes most willinglie and loveinglie resolved to have done."—The magistrates of Striveling appearing personally, and producing the said Aula M^cAula, and the said Cunynghame being also present, the Lords find that the defenders "in the taking, detening, and exhibitioun of the said Aula M^cAula hes done that quhilk become thame of dewtie to have done," and they take pursuer "af the said bailleis handis," and commit him to the Tolbooth of Edinburgh.

Patrick Adair committed to ward for insolence in demanding custom at Portpatrick on certain horses sent by the Earl of Abercorn from Ireland in charge of his servants and with a proper passport.

Fol. 120, b.

Complaint by James, Erll of Abircorne, as follows:—"At his lait being in Ireland, he directit some of his servandis with his horsis hame towardis Scotland, with ane pasporte undir his awne hand, conforme to the ordour for thair reddie transporte at all ferryis." They passed without interruption to Portpatrik; but, when they arrived there on 17th November last, and showed the passport to Patrik Adair, he

Fol. 121, a.

demanded custom for the horses. "And, when it wes answerit that his horses sould not pay custome, seing thay wer not merchand wairis, bot the said Erllis awne proper horsis, and that he wes a nobleman and ane of his Majesteis Counsell, and sua nawyse astricit to pay custome, the said Patrik not onlie disdanefullie and churlischlie utterit mony proud, reprotchfull, and unreverend speitcheis aganis the said Erll and the haill noblemen of the cuntrey, saying that he 'comptit for no Lord nor Erll in Scotlande, he wes in nane of thair commonis, and that thay sould all pay custome, nill thay wald thay, gif thay come athorte his way,'" but he "maisterfullie reft" the said horses from the Earl's servants, and kept them all night. Although the custom would not have exceeded a few shillings, yet the "preparative heirof is verie unseamelie," and therefore the pursuer has thought fit to lay the matter before the Council.—Pursuer appearing by Sir William Seytoun, his procurator, and defender also appearing, the Lords find that defender has committed a great offence, and order him to be imprisoned in the Tolbooth of Edinburgh at his own expense during their pleasure.

Edinburgh, 27th February 1616.

Sederunt—President; Scone; Buckleugh; Master of Elphinstoun; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsythe; Medop.

Acta Mar. 1615–Aug. 1617. Fol. 20, a.

Walter, Lord Scott of Buccleuch, admitted of the Council, by virtue of a warrant from his Majesty.[1]

"The quhilk day the Lordis of Secrete Counsall, according till ane warrant and directioun in write send unto thame and signed be the King his Majestie, ressavit and admittit Waltir, Lord Scot of Buckleugh, to be one of the Previe Counsall of this kingdome, and to injoy all honouris, dignities, previledges, and immunities, quhilk ony uther counsellour be vertew of the said place enjoyeth. And, the said Waltir, Lord Scot of Buckleugh, being personallie present, and acknowledgeing his Majesties gratious favour shawne unto him in preferring and advanceing of him to this heigh estaite of honour and dignitie, he, with all dew reverence, upoun his knees, his hand lyand upoun the holy evangell, maid and gaif his solemne aithe of alledgeance, and the aith of a Previe Counsellour."

"His Majesties missive letter for the warrand of the act abonewrittin.—Trustie and weilbeloved counsellouris, wee greete you weil.—Whereas wee ar pleased, in regaird of our knawledge of Waltir, Lord Scot of Buckleughis qualificationis and dewtifull dispositioun in all thingis tending to the obedience of our will or goode of our service, to repute and esteme him wourthie the place and trust of one of oure Previe Counsell there, these ar therefore to will and require you to call before you the said Lord of Buckleugh, and, ministering to him the aithes accustomed in the lyke cases, to sweare and admit him one of the nomberis of our ordinarie counsellouris there, granting him access, place and voice at our counsell table, with all honouris, dignities, previledges and immunities whiche anie uther of the said nomber hath or enjoyeth be vertew of his place, and ar thereto propper and belonging. For doing wherof as these salbe unto you a warrant sufficient, so wee bid you fairwell. At Newmarket, the nyntenth of Februarie 1616."

Edinburgh, 27th February 1616.

[Sederunt as recorded above.]

Decreta June 1615–Mar. 1616. Fol. 121, b.

Caption against John Home, younger, for debt.

Complaint by James Home, brother german of Sir George Home of Woddirburne, knight, that Johnne Home, elder, of Kello, and Johnne Home, younger, his eldest son, remain unrelaxed from a horning of 9th August last for not paying to pursuer 200 merks of principal and £20 of expenses.—Pursuer appearing by James Spence, his procurator, and the said Johnne Home, younger, not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Muirhead of Brydanhill against Newlands of Kipps for mischievously flooding a "heugh."

Complaint by Johnne Murehead of Brydanhill, as follows:—Pursuer has a "gangand heuch" on the lands of Brydanhill, near the march

[1] This is Walter Scott, 2nd Lord of Buccleuch, son of that Walter Scott, 1st Lord, who had been of the Privy Council through nearly the whole of 1611 (see Vol. IX. by Index), but had died in the December of that year. The present Lord of Buccleuch has been heard of in the Register before as Master of Buccleuch.

Decreta June 1615-Mar. 1616. Fol. 122, a.

between his lands and the lands of Kippis, which has "ane draught and passage for the course of the water quhilk wes drawne furth of the said heugh." He has been in possession of the "heugh" and the passage for many years. On a day in the present month, Mathew Newlandis of Kippis, out of private grudge, with the aid of servants and accomplices, "causit dam the wattir," whereby "thay have drownit the said heugh, and maid hir unproffitable to the said complenair and to the cuntrey, without all meanis or possibilityis to recover hir agane."—Pursuer and defender appearing personally, the Lords remit the matter to the Lords of Council and Session.

Commissions. Fol. 226, b.

Appeal by the Council to the charity of the lieges on behalf of two Greek Christians, who have suffered from Turkish oppression, and have come to Britain to solicit subscriptions towards the ransom of their relatives, now in slavery

"To all and sindrie good and Christeane people unto whome thir presentis salbe schawne we, the Lordis of his Majesteis Prevey Counsaill, wisheth helth.—Whereas the beirairis heirof, Johnne Morffee of the toun of Polleous, Proboleechas of the Province of Lacedemonia, and Cristoper Nicoly, merchand, both Christeanes, haif bene verie havelie distressit be the cruell and barbarous Turkis, profest and avowit enemeyis to all Christeanes:—to witt, the said Johnne, being a citizen of good accompt and estimatioun, becaus he harbored and endevoirit to set at libertie ane, Marco, a Cicilian and Christeane, who wes keipit in slaverie be the Turkis, wes sat upoun be the Turkis, and depryvit of all his goodis and substance, and for saulftie of his awne lyff wes forced to flie, leiving his wyff, one sonne, and two dochteris behind him, who ar deteinit be the Turkis in miserable slaverie untill the sowme of thrie hundreth and sevintie fyve crownes be by him gathered and payit for thair ransoun; and, the said Cristopher being a merchant of good accompt and credite and comeing from Egipt in his lauchfull trade, he wes set upoun be some Turkishe pyrotis, spoyled of his schip and goodis worth iiij^{m} crownes, and his brother tane prisoner and deteynit in miserable slaverie at Tripoli untill ane thousand crownes be payit for his ransoun,—as be divers certificatis by thame showne frome the Patriarche of Constantinople doeth more fullie appeir: and, whereas thay have not of thair awne quhairwith to pay the saidis ransonis, thay have implored the cheritie of weill disposed Christeanes in divers cuntreyis, and now at last ar come frome England into this kingdome for this same purpois, and frome hense thay intend to ship thame selfis for the pairtis beyond sea: These are thairfore to recommend thame to your favourable and cheritable considerationis; and, in regaird of thair poore distressit estaite and
Fol. 227, a.
conditioun, we intreate yow out of your Christeane cheritie to help and assist thame with your cheritable almous, benevolence, and collectioun, and that you suffer and permit thame peciablie and quietlie, without ony latt, trouble, or molestatioun, to go and travill through the cuntrey, and to provyd thame of ludgeing,—thay behaveing thameselffis sobirlie and honnestlie as accordis."—Signed by Jo: Prestoun, David, Lord Scone, Bugcleuch, Blantyre, Master of Elphinstoun, R. Cokburne, Kilsyth, and Sir A. Drummond.

Sederunts. Fol. 129, a.

"The quhilk day compeirit personalie Mr. Johne Cant and become

Cautions for Sir William

Balfour and Captain Wishart.

actit and oblist as cautionair and souirtie for Sir Williame Balfour, and siclike compeirit personalie William Rae, mercheant burges of Edinburgh, and become actit and oblist as cautionair and souirtie for Capitane Wishert, that the saidis personis principallis sall remane and keepe warde within thair ludgeing quhill the morne at aught of the cloke in the foirnoone, and that thay sall compeir personalie befoir the Lordis of Secreit Counsaill the morne at aucht of the cloke in the foirnone and produce with thame suche witnesis as thay will use for preving of thair complaintis *hinc inde*, and in the meantyme that thay sall observe his Majesteis peace ather of thame with uther, ather of thame under the pane of tua thousand pundis. And the saidis personis principallis oblist thame and thair airis to warrand and releve thair saidis cautionaris of thair becomeing cautioun for the premisis." Sederunts. Fol. 129, b.

Case of the Laird of Thornydykes.

"The Lordis of Secreit Counsaill prorogatis and continewis the terme appointit for the entree of the Laird of Thornidykis befoir the Counsell untill the xiiij day of Marche nixttocome, inrespect James, Archiebishop of Glasgow, in quhais keeping the said Laird of Thornidykis now remanis, is for some necessair occasionis of his awne to repair to Glasgow, and man now keepe the first appointit dyet for the exhibitioun of Thornidykis upoun the fyft of Marche nixttocome; and ordanis the Clerk of Counsall to adverteise Sir George Home of Manderstoun, knyght, be his missive letter, of this continewatioun, sua that he mak not unnecessair travell to come to this burgh at the first dyet foirsaid."

Hunting.

"The quhilk day a proclamatioun wes past and exped anent hunting."

Edinburgh, 28th February 1616.

Sederunt—President; Lotheane; Scone; Master of Elphinstoun; Privy Seal; Justice Clerk; Advocate; Kilsyth; Medop. Decreta June 1615–Mar. 1616. Fol. 122, a.

Act confirming Alexander Duff in a Clerkship of Exchequer.

Alexander Duff presents a gift under the seal of the late Sir Alexander Hay of Quhitburgh, knight, Clerk of Register, dated 1st January last, by which the said Alexander was appointed during his lifetime one of the ordinary clerks of Exchequer to write the "rollis, equies, and accomptis of the haill schireffis, stewairtis, and bailleis of regalitie within this kingdome," and also to be clerk of all "procesis, dependanceis, and decritis before the Chekquer, and ressaveair of cautioun upoun all billis of suspensioun."—The Lords grant the office to petitioner; who takes the oath *de fideli administratione*.

Continuation of a suit of MacIntosh of Dunnauchtan against Cumming of Altyre.

The Lords continue to the first Council day in June next the action of Lauchlane M°Intosche of Dunnauchtane against James Cuming of Alter, for himself and his tenants of the barony of Dolos, to have it declared that the late Thomas Cuming of Alter, father of the said James, and Alexander Cuming, his brother, were of kin to the Marquis of Huntlie, and that they, by themselves, or at least by their tenants, were partakers with the Marquis in the feud standing between the said Marquis and his friends, on the one part, and the late James, Earl of Murray, and his friends, on the other part. Further, the Lords continue Fol. 122, b.

Decreta June 1615–Mar. 1616. the diet appointed to the said Lauchlane for exhibition of some of his men on March next to 11th June next. Both parties, being present, are duly warned of the above.

Acta Mar. 1615–Aug. 1617. Fol. 20, a.

Sederunt—President; Lotheane; Blantyre; Bugcleugh; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsythe; Medop; Sir Andro Ker. Edinburgh, 29th February 1616.

Order for the restitution of two horses stolen from an English gentleman by two English thieves, who had been pursued into Scotland with them, and tried and executed at Duns.

"Anent the propositioun maid to the Lordis of Secrete Counsall be Sir Andro Ker of Oxenhame, knycht, ane of the Commissionaris of the Midle Shyres, for himself and in name of the remanent Commissionaris foirsaidis, bearing that, whereas in the moneth of November or therby 1615 thair being twa horsis stollin from ane man of Mr. Talbotis of Bottell by twa Englishemen callit Buddellis, they wer followed be Mr. Talbottis servandis into this countrey and challenged with the saidis horsis at Dunss, quhair thay wer apprehendit be the schireff, put to thair tryall, and wer convict and
Fol. 20, b. execute to the death for the said thift; and that now the Inglische Commissionaris, according to the custom observed on bothe sides in mutuall redressing of stollen goodis to the awnaris upoun sufficient prooffe, doeth demand restitutioun of the saidis horsis; whereanent the Commissionaris on this syde haif continewed the geving of thair answer, in respect of the interes pretendit be the schireff to the saidis horsis be the previledge of his office, untill they be advisit herewith be the saidis Lordis of Secret Counsall, and have opinioun and resolutioun had thairanent: The Lordis of Secrete Counsall haveing hard the propositioun foirsaid maid be the said Sir Andro in this mater, and being well advisit thairwith, the saidis Lordis findis and declaris that, seing the personis foirsaidis, steallaris of the saidis horsis, wer followit be the awnaris or some otheris in thair names to this cuntrey, and challangeit with the saidis horsis at the toun of Duns, quhair upoun thair challenge they wer tane and put to tryall, that therfore restitutioun aucht to be maid of the saidis horsis, upoun sufficient prooff, conforme to the ordoure."

Act for scourging through the town of Edinburgh of Thomas Kennedy, "a counterfet and fenyit foole," and Margaret Roger, with whom he has committed adultery.

"Forsamekle as the Lordis of Secreit Counsall ar suirlie informit be some of the ministrie and sessioun of the kirk of Edinburgh, who wer directit in commissioun to the saidis Lordis frome the said sessioun, that Thomas Kennedy, a counterfet and fenyet foole, hes thir divers yeiris bigane leivit verie sclanderouslie and filthielie within this burgh, and now at last hes committit the detestable and filthie cryme of adulterie with Margaret Roger, spous to Alexander Hamiltoun, tail[yeour]; who being both brocht befoir the said sessioun and examinate upoun the said filthie cryme, efter sindrie deniallis thay haif come to ane publict confessioun of the cryme, as ane act under the hand of the clerk of the sessioun produceit befoir the saidis Lordis bearis: and whereas the sessioun of the kirk can enjoyne no other punischment to the saidis adulteraris bot publict repentance, whilk the said counterfait and feinyeit foole will mock and scorne gif he be brocht to the place of

repentance; nather can the magistrates of the said burgh of Edinburgh inflict ony corporall punischment upoun thame, sua that they will eshew punishment, to the offence of God and sclander of the Kirk, without remeid be providit:—Thairfore, and to the effect suche ane filthie and mocking fellow sall not eshew punishment, the saidis Lordis ordanis the Provest and Bailies of Edinburgh to caus bind him and the said Margaret Roger to a cairt, and to caus scourge thame through the town. Wheranent the extract of thir presentis salbe unto the saidis Provest and Bailleis ane warrand." Acta Mar. 1615–Aug. 1617.

[Sederunt as recorded above.] Decreta June 1615–Mar. 1616.

Edinburgh, 29th February 1616.

Arbitration of a difference between Margaret Rutherfurd and Walter Turnbull.

This day appeared Waltir Turnble of Raeflat, on the one part, and Margaret Rutherfurde, relict of Mark Turnble in Nether Burnechester, on the other part, and submitted the question "anent the kyndnes acclamed be the said Margaret to the rowme of Nethir Burnechester, and quhat contentment and satisfactioun salbe gevin be the said Waltir to hir for hir selff for hir said kyndnes," and the appointment of Johnne Haliburtoun of Murrouslawis and Andro Hammiltoun of St. Johneschapell "judgeis, freindis and arbitouris," with power to choose an oversman, if necessary. The Lords order this submission to be in force till the last day of March. Fol. 122, b.

To denounce Robert Douglas of Drumgarland for abducting and starving a mare of Robert Angus.

Complaint by Robert Angus, younger, "in eistsyde of Over Carnbo," as follows:—On 30th June last, Robert Douglas, elder of Drumgarland, came with some accomplices to the lands of Warrok, and "most violentlie drave and chaissit ane stood meir of the said complenairis, with ane foill at hir fute, to his awne dwelling house of Warrok, and thair put hir in ane cloise house, keipit and detenit hir and the foill thairintill the space of nichtis and dayis, without ony kynd of girs, hay, stray, or ony kind of other food quhatsoevir," and at last, "efter that divers tymes he had refuisit to deliver hir to the said complenair upoun satisfactioun of ony skaith sho had done, pat the said meir furth of his said house, and causit dryve and chaise hir athorte the feildis, untill scho lay doun and presentlie diet." The mare was worth 100 merks. Defender has also since then lain in wait for pursuer on several occasions, and threatened his life.—Pursuer appearing, and defender not appearing, the Lords order defender to be denounced rebel. Fol. 123, a.

Caption against James Maxwell, Herbert Bell, and a number of others, at the instance of James Maxwell, for not removing from his lands.

Complaint by James Maxwell, his Majesty's Gentleman Usher, that David Irwing in Holmefute, Jaffray Irwing there, Johnne Park in Strandis, James Bell in Castelmilk, Patt Bell in Newtoun, Dandie Bell in Middleschaw, Harbert Bell in Gavilburne, Davie Bell there, Thomas Bell in Brotschaw, Johnne Irwing in Riddingis, Johnne Bell in Holmeheid, Johnne Bell in Newtoun, Thome Bell there, Cristie Smyth in Holmeheid, William Bell in Middleschaw, Archie Bell in Howcleuch, Johnne Bell in Serysyke, Johnne Johnnstoun in Torwood, William Johnnstoun of Lockerbie, Davie Beg in Gymmonbie, Thomas Bell there, Fol. 123, b.

Decreta June 1615–Mar. 1616. James Ker there, Sibbie Schaw there, Malie Carrutheris there, William Johnnstoun, callit of Schaw, there, Hectour Johnnestoun there, Thomas Ker there, Johnne Johnnestoun of Tundergarth, elder, Andro Johnnstoun, "sone to the persone," David Bell in Schawheid, William Johnnstoun in Meldrumtae, William Bell in Holmeheid, Rany Bell there, Marioun Grahame, relict of Mungo Johnnstoun of Lokerbie, Archibald Johnnstoun, his son, William Irwing of Kirkconnell, and Thomas Johnnstoun of Fingland, remain unrelaxed from a horning of 10th October last for not removing themselves, their families, and goods from pursuer's lands and houses, in accordance with a decree of Council given on 7th July 1615.—

Fol. 124, a. Pursuer appearing by Archibald Douglas, macer, and defenders,—viz., Harbert Bell, Johnne Johnestoun in Torwood, Marioun Grahame, Johnne Bell in Holmeheid, Pait Bell, David Irwing in Holmefute, Willie Bell in Middleschaw, William Johnnstoun in Meldrumtae, Thomas Johnnstoun "callit of Finglen," Johnne Johnnstoun in Tundirgarth, Andro Johnnstoun, son of William Johnstoun, Archibald Johnnstoun, his brother, James Bell in Castlemilk, William Bell in Holmeheid, Jaffray Irwing, Johnne Irwing "callit Riddingis," Johnne Park in Strandis, Johnne Bell in Newtoun, Thome Bell in Brotschaw, Archie Bell in Howcleuch, Johnne Bell in Serysyke, David Beg in Gymmenibie, Thomas Bell there, James Ker, Sibbie Schaw, Malie Carrutheris, William Johnnstoun "callit of Schaw," Hectour Johnnstoun, and Thomas Ker,—not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Protest of George Bains admitted.

Complaint by George Bains in that he has been put to the horn wrongously, at the instance of David Mylne in Kilhill, and Johnne

Fol. 124, b. Hamptoun in Carmylie, by whom he was charged to appear before the Council this day in the matter of an alleged midnight assault with a drawn sword on the said David, and also concerning another assault on 26th December last on the said Johnne,—when pursuer, it is alleged, went with Johnne Mylne in Kellie to the barn of Carmylie, where Johnne Hamptoun was threshing corn, broke his back with a great "sting," and left him for dead.—Pursuer appearing, and the said David Mylne and Johnne Hamptoun not appearing, the Lords admit the protest that pursuer "sould not be haldin to answer forder to the saidis letteris."

Sederunts. Fol. 129, b. "Ane act anent the Commissionaris of the Middle Shyris."

Middle Shires.

Sir William Balfour and Captain Wishart.

This day appeared Sir Alexander Naper of Lourestoun, and Williame Rae, merchant burgess of Edinburgh, and became cautioners—the former for Sir William Balfour, knight, the latter for Captain Alexander Wishert,—that the said persons shall appear on 5th March next to answer to "mutuall complaintis," and that meanwhile they shall keep the peace, under the pain of 5000 merks [*ante*, pp. 465, 6].

Minute Book. The *Minute Book of Processes* gives the following memoranda collectively for the month of February 1616:—

Suspension: Lady Torthorwald against Gladstanes.

Minute Book.

Petitione: Francis Hay against Wilsones to be putt to libertie.
Ryott and deforcment: Lamb and Moir against Broun and Gray.
Ryott: Lady Torthorwald against Mark Gladstanes, &c.
Letteris to hear sentenc betuixt Gavin Weymes and James Ramsey.
Letteris: Georg Lachreis against the Magistratis of Edinburgh to be putt to liberty.
Ryott: David Bett against Georg Lesk.
Letteris: Ninian Broun against Johne Moir for wrongous denuncing the persewer notwithstanding of a suspension.
Rebellion: Robert Hay against William Cokburn.
Deforcment: Laird of Traquhair against Turnbull of Bedreull.
Ryott: Patrick Bull against Robert Williamson.
Ryott: Mr James Eistoun against Tuedy of Dreva.
Oppression: Earle Abercorn against Patrik Adam, who had apprehendit the Earles horses at Portpatrik for custom.
Rebellione: James Hamiltoun against Kininmontis.
Rebellione: Mr. Thomas Young against the Laird of Kinkell.
Suspensione: Mr. Clement King against the Advocatt.
Submission betuixt Wood of Bruntoun and Ogilbie of New Grang.
Ryott: Alexander St[r]atoun against Mr. Robert Broun.
Rebellion: Adam Young against Johne Lundy.
Rebellion: Laird Harden against Laird Thirlstane.
Oppression: Johne Muirheid against Mathew Newlandis.
Rebellion: Johne Cowan against Sir James Forrester.
Letteris: James Gudlett &c. of the Guard against Johne Cumine, who escaped after he wes thair prisoner.
Ryott: Toune of Stirling against Aula M^{c}Aula; *et e contra.*
Ryott: Captan Wishart against Sir William Balfour.
Letteris: Margaret Rutherfoord against Walter Turnbull to stand be a submissione maid betuixt them.
Rebellion: James Maxwell against David Irwing, &c.
Act: Continuation betuixt M^{c}Intosh and Cumin of Alter.
Oppression: Robert Angus against Robert Douglas.
Protestatione: Georg Baines against David Mill.
Proces: Advocatt against skipperis for exporting forbiden goodis.
Rebellion: Mr. James Hoome against Johne Hoome.

Edinburgh, 5th March 1616.

Sederunt—President; Lotheane; Blantyre; Master of Elphinstoun; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Kilsyth; Medop. Acta Mar. 1615–Aug. 1617.

Act for the suppression of a nuisance caused by the extraordinary resort of numbers of idle beggars

"Forsamekle as, albeit thair hes bene mony goode actis and constitutionis formarlie maid aganis strang and ydle beggaris vagaboundis, whairby it is ordanit that every parrochine sall interteny thair awne beggaris and that nane salbe sufferit to wander athorte the countrey, under certane paines mentionat and contenit in the saidis actis, notwithstanding Fol. 21, a.

Acta Mar. 1615–Aug. 1617. Fol. 21, a.

it is of treuthe that grite nomberis of strong and idill beggaris and vagaboundis daylie resortis and repairis from all pairtes of the countrey to the burgh of Edinburgh, the Cannogat, and otheris pairtis heiraboute, and, haveing thair ressettis in some pairtis of the Cowgait of Edinburgh, and in the Cannogait, the Potterraw, Weste Porte, Pleasance, Leyth Wynd, and otheris pairtis ewest to the burgh of Edinburgh, quhair they ordinarlie convene every night and pass the tyme in all kynd of ryott and filthie and beastlie leacherie and huredome, to the offence and displeasour of God, they present thame selffis in the day tyme in grite nomberis and companyis to the Heich Streitis of this burgh and of the Cannogait, and nomberis of thame lyis all the day upoun the calsay of the Cannogait, and with most schamefull exclamationis and cryeing not onlie extortis almous, bot be thair otheris misbehavioris fasheis and weyreis alsweill his Majesties nobilitie and counselloris as utheris his Majesties subjectis repairing to this burgh, sua that hardlie can ony man of whatsomever qualitie walk upoun the streitis, nor yitt stand and confer upoun the streitis nor under stair[is], bot they are impeshit be nomberis of beggaris, to the grite reproche and scandall of this burgh, quhair his Majesties Counsal and Sessioun ordinarlie sittis: For remeid quhairof in tyme comeing, the Lordis of Secret Counsall ordanis and commandis the Provest and Baillies of Edinburgh, the baillies of the Cannogaite, the Laird of Innerleythe and his baillies of the Potterraw and West Porte, who wer all personallie present and callit and convenit for this same caus, to putt his Majesties lawes and actes of Parliament maid aganis strang and idill beggeris and vagaboundis to dew and full executioun, every ane of thame within thair awne boundis and jurisdictioun, and that they suffer no beggaris to have ressett or beild within thair boundis; and that the Provest and Baillies of Edinburgh be ansuerable for sa mutch of the Cannogait as is within thair freedome and jurisdictioun that no beggaris salbe ressett or huirdit thair, and that they keepe ther hie streitis and commoun vennelle free of the saidis beggaris, and suffer nane to beg nor seik almous thairupoun; and that the baillies of the Cannogaite caus keepe the haill calsay of the Cannogait betuixt the Nether Bow and Palace of Halirudhous free and cleane of beggaris, and that nane be sufferit to ly upoun the calsay nor to seik almous upoun the same, and that the Laird of Innerleythe and his baillies caus thair streitis and vennellis be lykewayes keipt free of the saidis beggaris. And siclyke commandis and ordanis Mr. Patrik Bannatyne and Mr. Umphra Bleenseillis, who wer lykewayes personallie present, to remove the haill beggaris oute of thair housis at the fitt of Leyth Wynd and suffer nane to haif residence, beild, or ressett thair. And that this present act ordinance be putt in executioun be the magistrates and otheris particularlie abonewrittin whome it concernis betuixt and the fyftene day of Marche instant, and be observat and keept be thame inviolablie thairefter, under the panes following: viz., the Provest and Baillies of Edinburgh, under the pane of thrie hundreth merkis; the Baillies of the

and other vagabonds to Edinburgh, the Canongate, the Potter Row, West Port, and Pleasance, where they live in debauchery all night, and haunt the streets by day, begging vociferously, to the annoyance of the lieges.

Cannogait, under the pane of ane hundreth merkis; the Laird of Innerleythe, under the pane of ane hundreth merkis; and the said Mr. Patrik Bannatyne and Mr. Umphra Bleneseill, ather of thame under the pane of twentie merkis." Acta Mar. 1615–Aug. 1617. Fol. 21, b.

Edinburgh, 5th March 1616.

[Sederunt as recorded above.] Decreta June 1615–Mar. 1616. Fol. 124, b.

Caption against Thomas Robson and others for debt to James Bryden in Kelso.

Complaint by James Brydene, armourer, in Kelso, that Thomas Robsoun in Over Craling, Alexander and George Robsoun, his sons, there, David Wilsoun there, David Hunter, "over thair," and David Hunter, "nethir thair," remain unrelaxed from a horning of 3rd January last for not paying to pursuer £132 of principal and £40 of expenses; also that the said Thomas Robsoun in Over Craling, David Wilsoun there, and James Hunter there remain unrelaxed from a horning of same date for not paying £59 of principal and £20 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Commission for the trial of Thomas Christie for sheep-stealing.

Commission under the Signet, signed by Jo: Prestoun, Lothiane, Blantyre, A. Elphingstoun, and Sir A. Drummond, to William, Earl of Mortoun, and his bailies, to try Thomas Christie in Duncruvie, who was apprehended on February last for stealing some sheep from divers persons, and is now in the custody of the said Earl. Commissions. Fol. 227, a.

Edinburgh, 7th March 1616.

Sederunt—President; Lotheane; Blantyre; Cranstoun; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsythe; Medop. Acta Mar. 1615–Aug. 1617. Fol. 21, b.

To denounce the Laird of Kincaid for not appearing as charged.

Sir James Kincaide of that Ilk, and Sir George Elphinstoun, knight, having been summoned to appear before the Council this day to answer for challenges between them, and the said Sir George now appearing, but the said Sir James not appearing, the Lords order the latter to be denounced rebel.

Edinburgh, 7th March 1616.

[Sederunt as recorded above.] Decreta June 1615–Mar. 1616. Fol. 125, a.

Caption against William Meldrum for not relieving his cautioner.

Complaint by Thomas Adinstoun, merchant burgess of Edinburgh, that William Meldrum of Badinscott remains unrelaxed from a horning of 11th January last for not relieving pursuer, as cautioner for him at the hands of James Halden of Glennegeis, of payment of 2000 merks of principal and £200 of expenses.—Pursuer appearing by Mr. William Levingstoun, his procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against the Laird of Hors-

Complaint by Johnne Govane of Cardrono, that Alexander Horsburgh, younger of that Ilk, as principal, Alexander Horsburgh, elder of that Fol. 125, b.

Decreta June 1615–Mar. 1616. Fol. 125, b.

Ilk, James Sandylandis of Boyld, and James Horsburgh, "wobster," burgess of Peblis, as cautioners, remain unrelaxed from a horning of 30th November last for not paying to pursuer 1300 merks of principal and 200 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords give order as above. burgh and others for debt.

Complaint by Mathew Puill, merchant burgess of Edinburgh, that Johnne Armestrang in Tounsheilburnehead remains unrelaxed from a horning of 24th July 1607 for not restoring to pursuer "ane gray horse, ane new russet cloik, thrie ellis of cammerage, ane swerd, ane quhinyeair, and twa speiris," or else the value of the same, together with £10 of expenses, and 40s. for collector's fee.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Caption against John Armstrong for not restoring certain goods.

Fol. 126, b.

This day appeared Sir George Elphinstoun of Blythiswood, knight, and gave caution in £2000 not to send any challenge to Sir James Kincaid of that Ilk, nor to receive any from him. Caution for Sir George Elphinstone.

Narrative as follows:—"Some questioun hes bene moved before the Lordis of Secrite Counsaill betuix James Nicoll, merchand burges of Edinburgh, on the ane pairt, and Waltir Finlasoun, merchand burges of the said burgh, on the uther pairt, anent ane letter past undir his Majesteis hand in favouris of the said Waltir Finlasoun, quhairby his sacred Majestie hes gevin unto him licence to big, dig, and mak ane voult within the Hie Gait and calsay of this burgh, foiranent his awne twa tavernis, in the ground of the tenement of land callit Foisters Ludgeing, now pertening to the said James Nicoll: Quhilk licence being gevin in to haif bene past and exped be the saidis Lordis, and the said James being hard thairupoun, he pretendit and alledgit that the bigging of the said voulte undir his said ludgeing wald be verie hurtfull and prejuditiall unto him, and wald perrill his haill ludgeing, whilk is one of the heichest ludgeingis within this burgh, and hes the gritest burdyne of tymmer upoun the same."—The Lords "being weill assured of his Majesteis princelie dispositioun to justice, [and] that, howevir his Majestie doeth grant suche warrandis, yit his Majestie myndis not thairby to pre- Question between Walter Finlayson and James Nicoll, merchant-burgesses of Edinburgh, as to the validity of a Royal licence to the former to dig and build a vault in the High Street under the premises of the latter: referred to a committee for report.

Fol. 127, a.

judge ony pairtie,' give commission to Sir Williame Levingstoun of Kilsyth, the Bailies and Dean of Guild of Edinburgh, "with suche of the Deane of Gildis counsaill as he pleisis to call unto him," and to the Master of the King's workis, to visit the ground, to take the opinion of "suche unsuspect craftismen" as they think meet, to consider the "forme, proportioun, and maner of the intendit worke," and, "gif neid beis, that thay caus brek the ground for the more sure tryall." The commissioners are to report on Thursday next, 14th March.

Commissions. Fol. 227, b.

Commission under the Signet, signed by Jo. Prestoun, Blantyre, A. Elphingstoun, Sir A. Drummond, R. Cokburne, and Sir G. Murray, to Robert, Earl of Lothiane, to be preserver and keeper of the game "within the boundis of eght myllis to our Castle of Edinburgh and Pallace of Commission to the Earl of Lothian to be keeper of the wildfowl and other game

round Edinburgh.

Halieruidhous," with power to apprehend and exhibit before the Council all persons found killing wild fowl therein, and to search out all others who may be suspected of violating the proclamation anent the preservation of the game for the King's approaching visit (*ante*, pp. 458, 466), and to send their names to the Council. Commissions.

Edinburgh, 12th March 1616.

Sederunt—President; Blantyre; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsythe; Medop. Acta Mar. 1615-Aug. 1617. Fol. 21, b.

In the matter of the feud between Gordon of Gicht and Hay of Brunthill: order to denounce Gordon of Gicht.

Charge had been given to Gordoun of Geicht, and Williame Hay, his son-in-law, on the one part, and to Alexander Hay of Brunthill, and Williame, George, and Mr. Patrik Hay, his sons, on the other part, to appear this day to answer for the variance between them (*ante*, p. 456); and now, the said Alexander Hay of Brunthill and his sons appearing by Mr. David Rattray, minister at Cruden, "wha declarit that the personis foirsaidis wer not able to travel, to witt the father in respect of his aige and seiknes and his three sones in respect of the hurtis and woundis quhilkis they ressavit the tyme of the trouble quhilk fell oute betuix the said Laird of Geycht and thame," and the said William Hay appearing personally, but the Laird of Geicht not appearing, the Lords accept the above excuses made by Mr. Rattray for Alexander Hay, order Mr. William Hay to be detained in the Tolbooth of Edinburgh at his own expense during their pleasure, and ordain the Laird of Geicht to be denounced rebel. Fol. 22, a.

Edinburgh, 12th March 1616.

[Sederunt as recorded above.]

Decreta June 1615-Mar. 1616. Fol. 127, a.

Action by the Lord Advocate against Gordon of Gicht and others for an attack on the sons of Hay of Brunthill: Gordon, his son-in-law, and one of his brothers committed to ward, and another brother denounced for not appearing.

Complaint by the King's Advocate as follows:—On 1st February last, or thereby, George Gordoun of Geycht, having heard that William, George, and Mr. Patrik Hay, sons of Alexander Hay of Brunthill, were at "ane brydaill in ane oisler house within a quarter myle of the place of Brunthill," and "resolueing at that tyme to tak ane schamefull and dishonnourable advantage of thame quhenas thay wer mirrie with thair freindis," went to the said house, accompanied by Williame Hay, his son-in-law, and others on horseback and on foot, all armed, and wearing hagbuts and pistollets. They "raid about the house in a bragging forme purpoislie to have trayned thame oute; and, informatioun being brocht in to thame that some gentilmen wer ryding about the house, thay come oute, cloik allane, and without airmour, to knaw quhat thay wer; and, at thair first outcomeing, how soone the Laird of Geycht persavit thame, he schote a lang hagbute at the said Williame, quhairwith he schote him throw the thie, sua that he wes in grite hasard and perrell of his lyff." They thereupon cruelly attacked the other two, and left Mr. Patrik for dead. The said Laird, his son-in-law, Johnne and Alexander Gordon, his brothers, continually wear hagbuts and pistollets, Fol. 127, b.

Decreta June 1615–Mar. 1616. Fol. 128, a.

and have done so especially from January 1615 to February 1616.—Pursuer appearing personally, and the said George Gordoun, and Alexander Gordoun, his brother, not appearing, the Lords find the charges proven, and that "the said William Hay, son-in-law to the said George Gordoun of Geycht, presentit ane pistollet to the said Mr. Patrik Hay, quhilk misgaif, and that thairefter he stoggit him with a rapper." They order the said Laird to enter his person within the Tolbooth within fifteen days and to remain there at his own expense till further order be taken, and that the said William Hay and Johnne Gordoun be similarly committed to the Tolbooth; and they order that Alexander Gordoun be denounced rebel, and that his moveables be escheated for his not appearing.

Commissions. Fol. 228, a.

Commission for the trial of Matthew King for man-slaughter.

Commission under the Signet, signed by Jo: Prestoun, Blantyre, Master of Elphinstoun, Kilsyth, and Sir A. Drummond, to Hew, Lord Semple, to try Mathew King at the Mill of Machirnoch, who slew Alexander Andirsoun at the Mill of Machirnoche in the dwelling-house of James Snyp there, and was immediately thereafter apprehended by Lord Semple, sheriff of Renfrew, in whose custody he still remains (*ante*, p. 457).

Fol. 229, a.

Commission for the apprehension of John Bardiner, at the horn for murder.

Commission under the Signet, signed by Jo: [Prestoun], Blantyre, A. Elphingstoun, Kilsyth, and A. Drummond, to Sir Robert Halkheid of Pitfirrane, James Stewart of Rossyth, James Burne of Boprie, Mr. Johnne Fyn, apparent of Hilsyd, Robert Lwn, portioner of Murstoun, Harie Stewart, apparent of Baith, Mowtraye of Seyfeild, and the provost and bailies of Innerkething, to apprehend and exhibit before the Council Johne Bardiner in Blaklaw, who was put to the horn on 17th February last, at the instance of Bessie Sandis, relict, Patrik and James Fleming, sons, and the remaining kin, of the late Johne Fleming, sometime of Blaklaw, for not finding caution to appear before the Council to answer for having murdered the said Johne Fleming.

Acta Mar. 1615–Aug. 1617. Fol. 22, a.

Edinburgh, 14th March 1616.

Sederunt—President; Bishop of Glasgow; Blantyre; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsythe; Medop.

Proclanation calling attention to the good effects of measures taken for the preservation of lambs during the storms of last year, and ordering that no lambs be killed anywhere in the realm during the present year, under penalties.

Inasmuch as "the continewing storme of frost, snaw, rayne, and wynd in the beginning of the sex hundreth and fyftene yere of God did procure suche ane universall deathe, distructioun, and wrack of the beastis and goodis throughoute all the pairtis of the countrey as, yf some cair had not bene tane for preservatioun of the lambes that yeir, it is verie lyklie that scairslie wald ony scheip haif bene fund to plenneis the ground this yeir"; and inasmuch as "the goode ordour then tane in dischairgeing the slaughter of lambes hes produceit verie goode effectis, and hes reserved some remnant yitt to mak ane new increase, and whilk with Godis blessing will restore the formair losses of the said yeir, yf the slauchter of lambes for this present yeir be lykewayes forborne": therefore the Lords of Council, "upoun verie goode advise and deliberatioun, hes resolvit,

concludit, and ordanit that thair salbe ane universall forbearance of the slaughter of lambes throughout this haill kingdome for this present yeir," and order due proclamation of the same to be made, together with notice of the penalty of confiscation of moveables for contravention of the same. All Magistrates are to see that the ordinance is precisely observed and to notify the names of those who contravene the same to the Treasurer Depute. "And, whereas it is understand to the saidis Lordis that divers bas and beggerlie people, suche as cookis, oistlairis, and fleshouris, will cheiflie violate this proclamatioun, whose escheitis ar so meane and unworthie as thair ar not a punishement answerable to the qualitie of thair offence," these shall be punished in their persons by warding and otherwise at the will of the Lords.

Acta Mar. 1615–Aug. 1617.

Fol. 22, b.

Edinburgh, 14th March 1616.

[Sederunt as recorded above.]

Decreta June 1615–Mar. 1616.

Caption against John M^cAdam for debt.

Complaint by Moses Wallace, skinner, burgess of Edinburgh, and James Wallace, burgess of Glasgow, that Johnne M^cAdam in Sanct Johnsclauchane remains unrelaxed from a horning of 5th August 1614 for not paying 450 merks of principal and £50 of expenses.—Pursuers appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 128, b.

Caption against James Pringle for debt.

Complaint by Johnne Blair, procurator, burgess of Edinburgh, that James Pringle, burgess of the Cannogait, remains unrelaxed from a horning of 15th November last for not paying to pursuer 100 merks of principal and £20 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order as above.

Fol. 129, a.

Quarrel in Leith between Sir William Balfour and Captain Alexander Wishart, both in military service in the Low Countries: reconciliation of the same.

Narrative as follows:—"Some disordour and trouble haveing laitlie fallin oute betuix Sir William Balfour, knight, on the ane pairt, and Capitane Alexander Wischert, on the uther pairt, within the toun of Leyth, whair the said Sir William offerrit the stryk of ane rod to the said Capitane Alexander, and he in revenge and reparatioun thairof, efter that his swerd wes brokin, schote ane pistollet at the said Sir Williame; and, thay being brocht to thair answer heirupoun before the Lordis," they were both committed to ward, "first in the Castell of Edinburgh, and thairefter within this burgh, till further ordour sould be tane with thame as appertenis." After which, the Lords,—"considering that, althocht thir pairteis be natives borne, yit thay have both publict imployment, chairge, and place of commandiement in the Lowe Cuntreyis, quhair thay have thair cheif aboad and residence, and, gif this spark of heit, miscontentment, and hairtburning now standing amongis thame be not removit, bot sufferit to be of continewance, it is lyke aneugh that it will burst oute in flames of disordour and insolenceis at thair arryvaill in the Lowe Cuntreyis, and consequentlie raise some distractioun and factionis amongis the Scottis capitanes and commanderis thair, to the hinder of

Fol. 129, b.

Decreta June 1615-Mar. 1616. Fol. 130, a.

the service concredite unto thame,"—demanded of them if they would submit themselves and make reparation. Both parties having willingly agreed, the Lords, "being loath to weyrie the saidis pairteis with lang attendance in respect of the necessitie of thair service," now find that both have offended against the laws anent giving and taking of challenges and are guilty of the charges of assault, and the latter of wearing pistollets, and therefore they order them to acknowledge their offences, to "chop" hands, and to be reconciled: the said Sir Williame to give satisfaction first. Both parties having done as ordered, the Lords free them from their warding, and from all acts of cautioun connected therewith.

Fol. 130 b.

Caption against David Sibbald for debt.

Complaint by Mr. Johnne Aytoun of Kynnaldie, that David Sibbald, elder, of Lethanie, remains unrelaxed from a horning of 20th February for not paying to pursuer 72 bolls "twa pairt aittis and thrid pairt beir" for 1611, 1612, 1613, and 1614, together with the penalty of £100 *toties quoties*.—Pursuer appearing by Mr. Johnne Rollok, his procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Commissions. Fol. 228, b.

Commission for the trial of cases of adultery in the Middle Shires, and for compounding with the delinquents.

Commission under the Signet, signed by Jo: Prestoun, A. Elphinstoun, R. Cokburne, [J.] Cokburne, A. Drummond, Sir W. Oliphant, and Kilsyth, is given for one year to the Commissioners of the Middle Shires, "men of upricht judgement, sound understanding, and good experience,"—the Deputy Treasurer being always one,—and to the Justices there, to try persons suspected of the filthy crime of adultery, "now become verie frequent and commoun in the Midle Shyres," and to compone with those found guilty, either before or after their conviction, for the royal remission under the great seal, and to denounce as fugitives those who do not appear and proceed against them accordingly.

Sederunts. Fol. 131, a.

Laird of Thornydykes.

"The laird of Thornidykis sequestrat of new with the Archiebishop of Glasgow, till the returne of the Chancellair and Secretair."

Acta Mar. 1615-Aug. 1617. Fol. 22, b.

Edinburgh, 19th March 1616.

Sederunt—President; Bishop of Glasgow; Blantyre; Master of Elphinstoun; Privy Seal; Treasurer Depute; Advocate; Kilsythe; Medop.

Warant to theMaster of Wrks for cetain alterations in the Cstle of Edinburgh.

"Forsamekle as, for the better perfyting of his Majesteis new worke and building within the Castell of Edinburgh, it is verie necessair and expedient that the litle chalmer on the southe end of the said . . worke be tirred and pairtlie tane down, whairthrough it may be raised up proportionable with the new building and of that same . . worke, sua that the bartissingis thairof may go all through alyke for ressaveing the platforme of leade:—thairfore the Lordis of Secrite Counsal' ordanis and commandis the maister of his Majesteis workis to caus tir and tak doun sameikle of the said litle chalmer as he sall think mei,

and to rais the same up of new proportionable with the new worke as said is. For doing quhairof the extract of thir presentis salbe unto him a sufficient warrand." Acta Mar. 1615–Aug. 1617.

Edinburgh, 19th March 1616.

[Sederunt as recorded above.]

Decreta Mar. 1616–Jan. 1617. Fol. 131, a.

Caption against Johnston of Westraw for debt.

Complaint by Katherine Edger, widow, relict of William Cunynghame in Lynclowden, that James Johnnstoun of Westraw remains unrelaxed from a horning of 23rd January last for not paying 400 merks to her for herself and her children.—Pursuer appearing by Thomas Edger, younger, her procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Gilbert Grier of Drumloss committed to ward for assault.

Complaint by Adame Kirko in Chapell, and Masie Kirko, his sister, as follows:—On a day in December last, while pursuers were in the said Masie's Mill of Glenesland, "takand up the multeris of some coirnis quhilkis wer than grinding thairintill," Gilbert Greir of Drumlosse, accompanied by Johne Cauldwoll, miller at Glenesland, both armed, came and attacked them; "with thair feit and handis strak and dang the said Masie and maid hir blood at neis and mouth, and left hir lyand upoun the ground for deid, and with thrie horsis overraid the said Adam and trampit him undirfeit, gaif him mony bauch and bla strykis, and left him also for deid."—Pursuers appearing personally, and the said Gilbert Greir being also present, the Lords find the charge of striking the said Masie proven, and order defender to be committed to the Tolbooth of Edinburgh, and to remain there at his own expense during their pleasure. Fol. 131, b.

Patrick Gray and James Gordon against the bailies of Falkland for wrongful imprisonment: the bailies assoilzed.

Complaint by Patrik Gray, burgess of the Cannogait, James Gordoun, stabler in Edinburgh, and James Gordoun, "cordiner" there, as follows:—While pursuers were at Falkland at the fair held there on 22nd February last, Hectour Arnote and Andro Law, bailies of Falkland, accompanied by a great number of the inhabitants, came to the house where pursuers were, entered the said house, took them out, carried them to the "wairdhouse" within the Palace, and kept them there for nine days and nine nights.—Pursuers and defenders appearing personally, the Lords, understanding "that thir persewairis ar verie suspitious in thair lyveis and conversatioun," assoilzie defenders, and order pursuers to be imprisoned in the Tolbooth of Edinburgh till they find cautioun, each in £100, that they shall be answerable to the laws, and shall appear before the Council whenever they shall be called, upoun six day's warning. Fol. 132, a.

Commission for the trial of Janet Hamilton and Bessie Stevenson, witches in Hamilton.

Commission under the Signet, signed by Jo: Prestoun, James, Bishop of Glasgow, Blantyre, and A. Elphingstoun, to Sir Johnne Hammyltoun of ettrik, Dalyell, elder, of that Ilk, Sir James Maxwell of Calderwd, James Murehead of Lachop, younger, Hammyltoun of Torrence, or any three of them, to try Jonnet Hammyltoun, relict of James Commissions. Fol. 229, b.

Commissions. Nasmyth, baker, burgess of Hammyltoun, and Bessie Stewinsone, spouse of Gawine Murray in Hammyltoun Wood, who are suspected of witchcraft, sorcery, and other crimes.

Decreta Mar. 1616–Jan. 1617. Fol. 132, b.

Sederunt—President; Bishop of Glasgow; Bishop of Ros; Blantyre; Master of Elphinstoun; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Kilsyth; Medop. Edinburgh, 21st March 1616.

To denounce John Gledstanes and his brothers for violence.

Complaint by the King's Advocate, and Margaret Many and Jeane Hamiltoun, proprietors of the lands underwritten, and Mr. Robert Home of Carrelsyde, spouse of the said Margaret, and Mr. Waltir Bannatyne, spouse of the said Jeane, as follows:—Pursuers have all and whole the lands and barony of Windingtounhall, Turne Horslie, and Akeronkill, and the manor place called Turne. Of late Johnne Gledstanes, "callit in Windingtounhall," and Waltir and James Gledstanes, his brothers, have troubled pursuers in their possession. On a day in March instant, defenders gathered together a number of persons, all in arms, with hagbuts and pistollets, and went to the said manor place, where a few of pursuers' servants were, broke up the gates, entered the house, "tuke af the lockis af the duris thairof, set on new
Fol. 133, a. lockis on the same," expelled the servants with drawn swords, "chaissit and away drave the complenairis haill cattell, guidis, and bestiall af the ground of the saidis landis, and intendis to lay the same waist unto thame."—The King's Advocate appearing, and the said Mr. Waltir Bannatyne appearing for himself and the other pursuers, and defenders not being present, the Lords order defenders to be denounced rebels.

Caption against Jardine of Applegirth for debt.

Complaint by Mathew Baillie of Litlegill, that Johnne Jerdane of Apilgirth remains unrelaxed from a horning of 8th January 1612 for not paying him 1000 merks.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Sir Robert Forrester ordered into ward for molesting and threatening James Sibbald and John Forrester.

Fol. 133, b. Complaint by James Sibbald of Rankeloure, and Johnne Forrester in Strathenrie, as follows:—The said James, having "comprisit" the lands of Strathenrie for a great sum advanced by him to Sir Robert Forrester, sometime of Strathenrie, had lawfully acquired the same. He had been in possession of them for some years. On a day in November last, Sir Robert Forrester, with some armed accomplices, went to the said lands, "quhair the said Johnne Forrester wes going at the pleugh in sober and quiet maner," and "compellit the said Johnne to louse his pleugh, avowing and protesting, gif evir he fand him labouring the saidis landis thairefter, that he sould haif his lyff."—The said James Sibbald appearing for himself and for the said Johnne, and the said Sir Robert not appearing, the Lords find that defender has committed the offence aforesaid against the said Laird and his said tenant, and order him to put himself in ward within the Tolbooth of Edinburgh within

six days, and to remain there at his own expense during their pleasure, —the said Sir Robert, having been "lauchfullie chairgit" on 13th April last by Waltir Broun, messenger, "to have compeirit personalie before the saidis Lordis on 15th February last," and the diet having been then continued to this day. Decreta Mar. 1616–Jan. 1617.

Approbation by the Council of an Act passed by the Bailies, Council, Minister, Elders, and Deacons of the Kirk of Holyrood-house for a contribution from the inhabitants of the Canongate for relief of the destitute poor of that burgh.

Petition by the bailies, council, minister, elders, and deacons of the Kirk of Halyruidhouse, as follows:—"The Lordis haveing laitlie verie straitlie injoyned unto the saidis supplicantis the puting and halding of all beggairis af the Hie Streit and calsay of the Cannogait, thay, for obedience of the saidis Lordis command and directioun, haif tane suche ordour as all strang beggaris ar put out of the toun, and the calsay is keipit clene of thame; bot thair is a grite nomber of the poore of the Cannogait of whome the saidis supplicantis mon haif a cair, who haveing formarlie levit among thame be begging and seiking of almous fra dure to dure and upoun the calsay, gif now thay salbe restreaned from that forme of doing, thay will miserablie perische through famyne, thay being all outher aiggit and decrippit personis, unable to supplie thair necessiteis and wantis by labour, or ellis young ones who ar not capable of ony kynd of industrie." The supplicants have therefore unanimously concluded "that, conforme to the lovable ordour observit in the kirk of Edinburgh, ane monethlie contributioun salbe collectit fra the inhabitantis of the toun of the Cannogait, at suche a moderat and easie proportioun as the same sall nawyse be burdynable unto thame, as ane act and ordinance maid and set doun to this effect, whairin it is humelie craved that the saidis Lordis wald interpone thair auctoritie thairunto, at lenth is contenit. And, whereas it is notour to the saidis Lordis that in all cityis, townes, and corporationis thair is some idill, bussy, and factious bodyis, who out of thair awne curyosityeis wilbe refractair, and outher directlie or indirectlie by surmising will oppon thame selffis to ony good ordour that can be establischit amangis thame,—so it is lyke aneugh that the saidis supplicantis will not be frie of people of that humour and dispositioun, who will prease to querrell and move idill and impertinent questionis aganis the said act and refuise to mak payment of thair pairtis." The supplicants therefore seek the authority of an Act of Council. The Lords approve of the following Act:— Fol. 134, a. Fol. 134, b.

"Decimo sexto die mensis Marcii, anno millesimo sexcentesimo decimo sexto. The quhilk day the bailleis, counsaill, minister, elderis, and deaconis of the kirk of Halyruidhouse being convenit within the tolbuith of the burgh of the Cannogait, anent ordour taking with the puir of the said burgh and thair intertenement for restreaning of thame fra begging in tyme comeing, conforme to the Lordis of Secrite Counsall act and ordinance gevin to the saidis bailleis thairanent, and finding that the intertenment of thair awne ordinair puir will far exceid thair awne present moyen quhilk thay have to bestow upoun thame:—Thairfore, for effectuating the said guid and proffitable worke in maner foirsaid, and specialie for sustening the ordinair puir and restrayning of thame fra Fol. 135, a.

Decreta Mar. 1616–Jan. 1617.

Fol. 135, a.

begging, as said is, the saidis bailleis and counsaill, minister, elderis, and deaconis of the said kirk, in ane voce and consent, hes ordanit and ordanis, conforme to the lovable practik and custome of thair nichtbour kirk, that ane monethlie contributioun to be collectit fra the inhabitantis of the said burgh to that effect, sick as sall not be burndenfull to thame, bot according to everie persone thair habilitie and pouer; and ordanis stent maisteris to be chosin for seting of ane stent roll to the samyn effect. And all, with ane consent, humelie desyris that the auctoritie of the Lordis of his Heynes Prevey Counsaill be purchessed and obteyned for corroboratioun of the said ordinance, and that be delyverance of letteris and executoriallis of horning, poinding, and wairding aganis the contravenaris of the samyn, and that na suspensioun be grantit heiranent. Extractum de libro actorum Consilii dicti Burgi ac actorum dicte Sessionis. *Sic subscribitur*: W. Logane, clericus dicti Burgi; David Johnnstoun, reidair and clerk of the said Sessioun at Halyruidhouse."

Charge of assault against Garden of Legaston and others.

Complaint by David Cletoun in Laverokhall, James Cletoun there, and James Dalzell, merchant burgess of Edinburgh, as their master, as follows:—On the last day of February last, Thomas Gairdin of Legastoun, Johnne Gairdin, brother of Gairdin of Dunbarrow, Alexander Gairdin, tailor in Freok, Henry Auchterlony in Midletoun, Johnne Fyff, officer in Kynnell, and Johnne Spalding in Cotoun of Murrayis, and some accomplices, all in arms, went to the dwelling-house of the said David and James Cletoun in Laverokhall, and "with rungis and battonis schamefullie and unhonnestlie strak and dang thame on sindrie pairtis of thair bodyis." They also "pat violent handis in Jonet Foothie, spous to the said David Cletoun, violentlie rasheit hir to the earth, and cruellie and unmercifullie invaidit and persewit hir of her lyff, and left hir for deid, quhairof scho is yit lyand bedfast."—David Cletoun appearing for himself and the other pursuers, and defenders not appearing, the Lords assoilzie the defenders from the said charges, as not proven.

Fol. 135, b.

Complaint of William Maxwell and others against Glendinning of Drumrash and his brother.

Complaint by William Maxwell in Barquhillandie, and Johnne Scot and George Thomesoun, his servants, as follows:—(1) On a day in May 1613, while the said Johnne Scot was going from the place of Drumrasche home to his master's house in Balquhillandie, Johnne Glendoning of Drumrasche came out of his place of Drumrasche, overtook him, attacked with a great staff, and so maltreated him that he "lay bedfast for the space of ane moneth thairefter." (2) Moreover the said Johnne Glendoning, having been informed that the said William had bought from the owners a quantity of timber which grew in the wood of Drumrasche, and that the said Williame had on a day in May last given orders to the said George Thomesoun and other servants to take the said timber home by ten oxen, went with his brother Robert Glendoning to the servants, set upon them, "and not onlie compellit thame to cary the said tymmer to the place of Drumrasche, quhair he hes causit worke a pairt of the same and birne and distroy the rest, bot with that thay cruellie and unmercifullie invaidit and persewit the said William Maxwellis

servandis of thair lyveis," and "barbarouslie strak and birsit the oxin who wer drawing the said tymmer, sua that thay wer nevir able thairefter to mak ony service to the said complenair." (3) On another occasion Robert Erskin and William Glendoning, servitors to the said Johnne Glendoning, went by his direction to the wood of Litle Perk, cut a great quantity of timber, which the said William Maxwell had bought from the owners, carried it to their master's place of Litle Perk, and there burnt and destroyed it.—The said William Maxwell appearing for himself and his servants, and the said Johnne Glendoning appearing for himself and his brother; and the said Johnne Glendoning having confessed "that, he being ryding upoun horsbak with a horsewand in his hand, and complaint being maid unto him that the said Johne Scot had reft and tane ane dog fra ane tennent of his, he come ryding upoun horsbak to the said Johnne Scot and gaif him some strykis with the wand"; and the other articles of the first charge having been proved by the testimony of witnesses: the Lords find the first charge proven, and order Johnne Glendoning to be committed to ward within the Tolbooth of Edinburgh, and to be kept there at his own expense till further order be made, and till he find caution for the indemnity of defenders under the pain of 1000 merks. The Lords assoilzie defenders from the second charge, and remit the third, concerning the wood of Littell Perk, to "the judge competent." Decreta Mar. 1616–Jan. 1617. Fol. 136, a. Fol. 136, b.

In the matter of the proposed vault under a tenement in the High Street of Edinburgh.

Report by Sir William Levingstoun of Kilsyth, William Speir and Nicoll Uddart, Bailies of Edinburgh, David Aikinhead, Dean of Guild, and James Murray, his Majesty's Master of Works, commissioners to examine Foisteris Ludgeing (*ante*, p. 473).—The Lords, "finding thame selffis not fullie satisfeit with the said reporte, nor resolvit gif by the bigging of the said voult ony harme or prejudice wilbe done," remit the "sichting" of the said ground, &c., to the Provost, Bailies, Dean of Guild, and Council of Edinburgh, for report this day eight days.

Commission for the apprehension of Allaster Stewart, at the horn for cattle-stealing and sheep-stealing.

Commission under the Signet, signed by Jo: Prestoun, Ja: Bishop of Glasgow, A., Bishop of Caithnes, Blantyre, and A. Elphingstoun, to Robert Cunynghame of Trembeg, Mr. Johne Cunynghame of Fynnik, William Buquhannane of Portnellane, and Johne Buquhannane of Cancrone, to apprehend and exhibit before the Justice Allaster Stewart *alias* M^cEane Gromiche in Innerloche, who was put to the horn on 2nd March instant, at the instance of Johnne Cunynghame of Drumquhassill and the King's Advocate, for not finding caution for his appearance before the Justice in answer to the charge of stealing from the lands of Drumquhassill, Craignyvarne, Ladinrew, and Blairfad, three score "tydie ky," twenty "peice" of horses and mares, and threescore sheep, belonging to the late Johnne Cunynghame of Drumquhassill. Commissions. Fol. 230, b.

25th March 1616.

Another commission for the

Commission under the Signet, signed by Jo: Prestoun, G. Murray, R. Cokburne, and J. Cokburne, is given to Hew, Lord Semple, sheriff of Renfrew, and William Semple of Bruntsheillis, sheriff depute of the Fol. 231, a.

Commissions. same, to try Mathew King at the Mill of Machernok, now in the custody of the said Lord for the murder of Alexander Andirsoun, miller at the said mill, in the house of James Snype at the kirk of Kilmacolme, on February last (*ante*, p. 475). trial of Matthew King for murder.

Acta Mar. 1615–Aug. 1617.

Sederunt—President; Bishop of Glasgow; Bishop of Caithnes; Blantyre; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Sir George Hay, Clerk of Register; Advocate; Kilsythe; Medop. Edinburgh, 26th March 1616.

Fol. 23, a. This day the Lords admitted Sir George Hay, knight, to be one of his Majesty's Council of this kingdom. The said Sir George, who was present, acknowledged his Majesty's gracious favour in advancing him, and took the oath of allegiance and the oath of a Privy Councillor. —"His Majesties missive lettir for the warrant of the act abonewrittin: —Trustie and weilbeloved counsellour, wee greet yow well. Understanding the qualificationis, sufficiencie, and good dispositioun of our servant Sir George Hay, knicht, wee have maid speciall choise of him as one verie fitte to be of our Previe Counsall in that kingdome. It is therefore our pleasour that yee minister unto him the aithe accustomed in the lyke cases, and admitte him to exercise the office of a Previe Counsellour, and to enjoy all honouris, dignities, previledges, and immunities whiche ony uther our Previe Counsellour enjoyeth be vertew of his said place; for doing whereof as these presentis salbe unto you a sufficient warrant, so wee bid you fairweell. At our pallace of Whitehall, the xviij of Marche 1616." [1] Sir George Hay admitted of the Council.

Decreta Mar. 1616–Jan. 1617. Fol. 137, b.

[Sederunt as recorded above.] Edinburgh, 26th March 1616.

Complaint by Sir Henrie Wardlaw of Pittravie, knight, Chamberlain of Dunfermlyne, that Patrik Hunter of Over Carnbie, and Thomas Jarves and William Brig in Kellie Maynis remain unrelaxed from a horning of 6th March for not paying to him the teind victual, viz.:—the said Patrik, 5 bolls bere, and 1 chalder 6 bolls oats, for the lands of over Carnebie and Lochtie for the year 1615, and the said Thomas and William 3 bolls wheat, 5 bolls bere, and 1 chalder 8 bolls oats, for half the lands of Kellie Maynis for the same year.—Pursuer appearing personally, and the said Patrik Order for warding Patrick Hunter, and for letters of caption against Thomas Jarvis and William Brig for non-payment of dues to the Chamberlain of Dunfermline.

[1] The Sir George Hay who thus takes his place in the Council on the 26th of March 1616, not as an ordinary Councillor, but, as appears from the Sederunt, in the ministeral office of Clerk of Register, was Sir George Hay of Netherclift. He was about forty-four years of age, having been born in 1572. He had been educated abroad at the College of Donay; but had returned to Scotland in 1596; since which time he had been growing in favour with King James, from whom he had obtained his estate of Netherclift (part of the forfeited Gowrie Estates of 1600), and also his knighthood. He now came into the Council, and into the Clerk-Registership in succession to Sir Alexander Hay, whose death had occurred quite recently,—as he is found in his place in the Council so late as the 27th of February preceding. The new Clerk of Register was to rise to yet higher dignity.

Hunter also appearing, but the other defenders not being present, the Lords order the said Patrik to be committed to the Tolbooth of Edinburgh, and to be detained there at his own expense till he relax himself from the horning; and they order the Captain of the Guard to apprehend the others, seize their houses, and inventory their goods for the King's use. Decreta Mar. 1616–Jan. 1617.

Caption against John Douglas for debt.

Complaint by David Creichtoun of Lugtoun, that Johnne Douglas in Plesance remains unrelaxed from a horning of 4th October 1614 for not paying to him £10 for each boll of 24 bolls of bere, 10s. for each of 8 capons, 8s. for each "laid" of 8 "laid" of coals, and 8s. for each "thrave" of 8 "thravis" of straw, as ferme and duty for 8 acres of his lands of St. Leonard's during the year 1613—together with £12 of expenses; and that defender remains unrelaxed from a horning of same date for not removing himself, his family, and goods from the said lands.—Pursuer appearing by Abrahame Gray, his procurator, and defender not appearing, the Lords give order to the Captain of the Guard as above. Fol. 138, a.

Caption against William and Alexander M°Culloch for debt.

Complaint by James Edmestoun, tailor, burgess of Edinburgh, for himself and as assignee constituted by Agnes Nymmo, daughter of Patrik Nymmo, tailor, that William M°Culloch of Myretoun remains unrelaxed from a horning of 8th February last for not paying £80 of principal and £20 of expenses; that the said defender remains unrelaxed from a horning of same date for not paying to pursuer £155 of principal and £20 of expenses; and that Alexander M°Culloch, fiar of Myretoun, remains unrelaxed from a horning of the same date for not paying £193 of principal and £40 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 138, b.

Caption against James Baillie for debt.

Complaint by Alexander Hervie, son of Alexander Hervie, merchant burgess of Edinburgh, and servitor to Robert Alexander, writer to the Signet, "cessionair and assignay" lawfully constituted on 22nd February last, that James Baillie, elder, of Carphin, remains unrelaxed from a horning of 15th September last for not paying to pursuer 408 merks of principal and £50 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard as above. Fol. 139, a.

Commission for the apprehension of Sir James Kincaid, at the horn for breach of the peace.

Commission under the Signet, signed by Jo: Prestoun, Ja: Bishop of Glasgow, A., Bishop of Caithnes, Blantyre, A. Elphingstoun, R. Cockburne, George Hay, and Sir G. Murray, to Alexander, Lord Elphingstoun, the Captain or Lieutenant of the Guard, Dowgall Campbell of Auchinbreck, Campbell of Ardinkinglas, Sir Awlay M°Awlay of Ardincaple, Sir Thomas Boyd of Bonshaw, Lindesay of Dunrod, Mr. Mathew Ross of Hayning, and the provost and bailies of Glasgow, to apprehend and exhibit before the Council Sir James Kincade of that Ilk, who was put to the horn on 18th March instant for not appearing before the Council anent the keeping of the peace with Sir George Elphingstoun, knight. Commissions. Fol. 3, b.

Sederunts. Fol. 131, a.

"Act in favouris of the toun of the Cannogait anent thair poore." Canongate.

[See p. 480.]

Acta Mar. 1615–Aug. 1617. Fol. 23, a.

Sederunt—President; Bishop of Glasgow; Bishop of Caithnes; Lindsay; Blantyre; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsythe; Medop. Edinburgh, 28th March 1616.

This day the Lords admitted the Lord Lindsay to be one of the Privy Council of this kingdom; and the Lord Lindsay, being present, acknowledged his Majesty's gracious favour, and took the oath of allegiance and the oath of a Privy Counsellor. The Lord Lindsay admitted of the Council

"His Majesties missive lettir for the warrant of the act abone-writtin:—Right trustie and right welbeloved cosen and counsellour, wee greet yow well.—Having maid speciall choise of the Lord Lindsay to be one of our Previe Counsaill there, as one of whose habilitie and affectioun to serve us wee have had goode proofe and experience in all particularis wherein ether he hath had . . . . . .

Fol. 23, b. . . [line cut off] . . ,—[thair]for to require yow our Chancellar, and in his absence yow our . . , upoun receitt heirof immediatlie to call before yow the said Rob[ert], Lord Lindsay, and, ministring to him the oathes accustomed and proper in the lyke cases, to sweare and admitt him one of our nomber, to have accesse, place and voit at our counsall table, with all honouris, dignities and priviledges proper and belonging to one of that place and nomber, in as frie and ample maner as any uther of our Previe Counsall there hathe and enjoyeth the same be vertew of his place. And, as these salbe unto yow in that behalf a warrant sufficient, so wee bid yow farwele. At Newmarket the ix of Februarie 1616."[1]

Decreta Mar 1616–Jan. 1617. Fol. 139, b.

[Sederunt as recorded above.] Edinburgh, 28th March 1616.

Complaint by Thomas Fergusoun, "violer" in Edinburgh, and Ewphane Gray, his spouse, that Patrik Andirsoun, merchant burgess of Perth, remains unrelaxed from a horning of 6th August 1614 for not paying 300 merks of principal and £30 of expenses.—Pursuers appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Caption against Patrick Anderson for debt.

Protest by William Donaldsoun in Mekle Elrig, as follows:—He had been charged, at the instance of Mr. William Turnoure, commissary of Wigtoun, and Johnne Turnour, his clerk of court, to appear this day to answer a complaint concerning his going to the said persons, "thay being sitting in judgement," and "impudentlie and malapairtlie avowing and Protest by William Donaldson.

Fol. 140, a.

[1] This new Councillor was Robert Lindsay, 9th Lord Lindsay of Byres since 1611. As he died in July of the present year, his tenure of office was very short.

declairing that the depositioun maid be him anent the spoliatioun of the viccarage teyndis of Mekle Elrik wes not trewlie consavit and set doun as he deponit," but that the clerk had inserted "a double or triple quantitie mair nor evir wes confest be the said William."—William Donaldsoun appearing, and being ready to answer the said charge, but the others not being present, the Lords admit the protest that the process against the said William shall cease. Decreta Mar. 1616–Jan. 1617.

Caption against Maxwell of Teling and others for debt.

Complaint by Robert Murray, one of his Majesty's Guard, and Elizabeth *alias* Bessie Woddirburne, his spouse, assignees for Robert Woddirburne, burgess of Dundie, and his late spouse, Euphane Cousland, that Hew Maxwell of Teling, Harie Wood of Letheme, Johnne Rynd of Cars, and William Spence, burgess of Dundie, remain unrelaxed from a horning of 5th July 1614 for not paying these sums:—the said Hew £36, 13s. 4d.; the said Johnne, £34; the said Harie, £18, 12s.; and the said William, £25;—together with their shares of £12 of expenses.—Pursuers appearing by Archibald Douglas, macer, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 140, b.

Gilbert Murray against the bailies of Lauder for wrongful imprisonment; defenders assoilzied.

Complaint by Gilbert Murray, messenger, and burgess of Lawder, that the bailies of Lawder unlawfully apprehended him in the burgh on the 22nd of March, and committed him to the tolbooth of the same, where they still detain him.—The said bailies, appearing personally and exhibiting pursuer, state that, "complaint being maid unto thame, in name of Mr. Edward Marschell, commissair of Lawder, that the said Gilbert had maist disdanefullie and malitiouslie injurit the said commissair as he wes going to the judgement sait, by uttering of mony unreverent, reprotchfull, and disdanefull speitchis aganis him," they had therefore "causit wairne the said Gilbert to compeir before thame," and that, he having refused to appear at divers diets appointed, and witnesses having been called, they had found the charge proven, and had ordered him to be kept in the tolbooth till he found caution for his good behaviour.—The Lords, having seen the said decreet of the burgh court, assoilzie defenders, and order the pursuer "efter his hamecomeing" to find caution "actit in the towne-buikis of Lawder," under pain of being reimprisoned. Fol. 141, a.

To denounce Arthur Chalmer, and John Abercromby, for assault on Alexander Watson.

Complaint by Alexander Watsoun, messenger in Aberdene, as follows: —Letters of complaint having been raised for summoning James Murray, brother of the Laird of Cowbardie, and others, to appear before the Council to answer the charge of ravishing Marjorie Fergusoun, daughter of Elspet Grant, now wife of Thomas Gordoun of Grandum, pursuer was employed to execute the same. When he was executing the charge against Arthour Chalmer, in his house in the Kirktoun of Kinnoir, he was attacked by the said Arthour, who "preassit to haif rivene his Majesteis blasin af his breist," struck him with "fauldit nevis," and pulled out a long dirk, with which he would have slain pursuer, had he Fol. 141, b.

Decreta Mar. 1616-Jan. 1617. Fol. 142, a.

not escaped. Pursuer having gone afterwards to the house of Alexander Mathesoun, messenger, "and efter supper haveing past to his bed for taking the nichtis rest thairintill," the said Arthour, accompanied by Johnne Abircrombie in Sandistoun, and other accomplices, to the number of ten, all armed, came to the house about midnight, surrounded it, "strak in at the windois" with swords and long weapons, forced an entrance at the door, and thereafter most cruelly assaulted pursuer, who "narrowlie eschaipit from thame."—Pursuer appearing personally, and defenders not appearing, the Lords order the said Arthour Chalmer and Johnne Abircrombie to be denounced rebels.

Fol. 142, b.

Caption against William Turnbull of Bedrule and his son, at the instance of Stewart of Traquhair.

Complaint by Johnne Stewart of Tracquhair, and Sir William Stewart of Schillinglaw, knight, his curator, that William Turnble, younger, of Badreule, Thomas Turnble, his son, and George Douglas, his servant, remain unrelaxed from a horning of 11th March instant for not appearing before the Council to answer the charge of having deforced Adam Goold, messenger, having taken from him four kye and oxen poinded by him, having detained him as prisoner, and having worn hagbuts and pistollets. —Pursuer appearing by Alexander Douglas, macer, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Fol. 143, a.

Janet Turnbull against Richard Lawson and others for assault.

Complaint by Jonet Turnble, daughter of Johnne Turnble of Kelfup, and her said father, as follows:—On 16th March instant, while the said Jonet was in the town of Overhartsyde, Richard Lawsoun, indweller in Humbie, Johnne Hall in Overhartsyde, James Richesoun in Kirktoun-hill, and James Hall, brother of the said Johnne, came to pursuer, and the said James Richesoun and Johnne and James Hall "perforce held the said Jonet, quhill the said Richart Lawsoun schamefullie and unhonnestlie with his handis, kneis, and feit sua strak, dang, and birsit hir body that thair gushit furth a grite quantitie of blood at hir neis and mouth, and left hir lyand upoun the ground for deid." Pursuer is now unable to work, and cannot therefore support herself.—Pursuers appearing personally, and the said Richart La[w]soun and James Hall being present, the Lords assoilzie defenders, as the pursuers have failed to prove the charge.

Fol. 143, b.

Prosecution of William Borthwick and others for abduction, assault, and wearing firearms.

Complaint by the King's Advocate, as follows:—On 7th February last, William Borthuik in Waldirstoun, Patrik Blakie in Pirnetatoun, Johnne Turnour, younger, there, Robert Congiltoun there, Andro Caverhill there, Thomas Pringle in Symentoun, and William Brotherstanes in Burnehouse, with others to the number of twelve, on horse and foot, all armed and carrying hagbuts and pistollets, went about 9 o'clock at night to the dwelling house of James Mitchell, minister at the Stow, where Jonet Fairholme, daughter of James Fairholme, maltman, burgess of Edinburgh, "a young damosell of auchtene yeiris of aig," was for the time. The minister and his family were in bed. The said persons broke up the doors, and with drawn swords violently apprehended the said Jonet, "preassing with violence and force to have tane hir away."

And, "scho making suche resistance as lay in hir waik pouer, and geving mony schoutis and cryis, the minister, who wes lying sleiping in his bed, heiring the cryis, rais, sark allane, and preast to have relevit the said Jonnet; but suche wes thair beistlie crueltie and merciles malice aganis the innocent naiked man that most schamefullie and inhumanelie thay invaidit him of his lyff, and woundit him in the hand and leg." They then carried off the said Jonet, and kept her for 48 hours, when some well affected gentlemen who had followed rescued her.—The said William Borthuik, not content with this high offence, did, upon Sunday the 10th of this month, after he had come from the kirk of Stow, where he had made a feigned repentance for the said abduction, make an attack in the kirkyard on James Simpsoun in the Stow, first with his hand, and then with a drawn sword. He has moreover almost daily since the abduction worn hagbuts and pistollets.—Pursuer appearing personally, and the defenders, except Robert Congiltoun, Andro Caverhill, Thomas Pringle, and William Brotherstaines, also appearing, and the defenders having confessed their part in the abduction, the Lords continue the case for sentence on Tuesday next April 2nd, and order the absent defenders to be denounced rebels. Decreta Mar. 1616–Jan. 1617. Fol. 143, b. Fol. 144, a.

Licence to Alexander Cunningham of Barns to go abroad.

Licence to Alexander Cunynghame of Barnis to go abroad and remain for three years, without prejudice to his person or goods for so doing, provided he behave himself as a dutiful subject during his absence. Given under the Signet, and signed by Jo: Prestoun, Ja: Bishop of Glasgow, A., Bishop of Caithnes, Blantyre, A. Elphinstoun, and A. Drummond.[1] Commissions. Fol. 231, b.

Commission for the apprehension of three Highlanders charged with horse-stealing.

Commission under the Signet, signed by Jo: Prestoun, Ja: Bishop of Glasgow, A., Bishop of Caithnes, Blantyre, A. Elphinstoun, and Drummond, to the sheriffs of Aberdine, Banff, Elgin and Forres, Narne, and Innernes, and their deputies, and the provosts and bailies of the burghs, towns, and cities within the bounds of the said sheriffs, to apprehend and exhibit before the Council James Bayne, M^{c}Condochie V^{c}James, and Donald M^{c}Kay in Cogich, who were put to the horn on 24th November last, at the instance of Mr. James Grant of Edinvillie, for not finding caution for their appearance before the Justice in answer to the charge of stealing "ane broun turse horse" from the said James Grant's lands of Edarpill. Fol. 232, a.

Edinburgh, 29th March 1616.

Sederunt—President; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsaythe; Medop. Sederunts. Fol. 132, a.

Commission against MacRannald.

"A commissioun to the Marques of Huntlie and Lord Gordoun, conjunctlie and severalie, aganis the traytour M^{c}Ronnald."

[1] Barns or New Barns is in Fifeshire; and this Alexander Cunningham of Barns was the brother or other near relative of the young lady who was the first love of Drummond of Hawthornden, and whose early death in 1615 (*i.e.* a little before the date of this entry) is so pathetically commemorated by him in the first collection of his poems, published at Edinburgh in 1616. There is extant a fine letter of Drummond's addressed "to his loving friend A. Cunningham, Laird of Barns," and dated December 1630.

Sederunts.

"The mater anent remanding of rebellis frome and to Yrland continewit till the homecomeing of the Lord Chancellair and Secretair." Rebels and Ireland.

"Commissionis to Lundy, Achinbrek, and Ardinkinglas, conjunctlie and severalie, aganis M^cSoirleis base sone and utheris rebellis in the Yllis; and missives to thame to accept thair commissionis." Rebels in the Isles.

"Ane missive to Lundy with ane charge to him to come heir the xvj of Aprile to ressave the Counsallis directioun anent the service in the Yllis. This charge and missive to be delyverit incaice Lundy be in Angus or Menteith, and na utherwayes." Laird of Lundie and service in the Isles.

"Ane missive to Capitane Wode and Capitane Merrk, with ane missive frome his Majestie to thame." Captains Wood and Merk.

"The quhilk day Sir Rory M^cCleud of Hereis, compeirand personalie befoir the Lordis of Secreit Counsaill, declairit that he had left his bruther to haif the charge and commandiment of his cuntrey and to hald hand that no rebellious traytouris sould be ressett thair; and he promeist and actit him self that nane of the rebellis of the Iles sould haif ressett, ayde, or conforte within his boundis." MacCleod of Harris.

"Charge aganis the Marques of Huntlie and Lord Gordoun to accept thair commissioun; and ane missive of the Kingis to thame." Marquis of Huntly and Lord Gordon.

The *Minute Book of Processes* gives the following Memoranda collectively for the month of March 1616:— Minute Book.

Ryott: Sir William Balfour against Captan Wishart.
Rebellion: Thomas Adinstoun against William Meldrum.
Rebellion: Laird of Cardron against the lairdis of Horsburgh, &c.
Rebellion: James Bryden against Thomas Robson.
Rebellion: Mathew Pooll against Johne Armstrang.
Ryott: Johne Muir against Johne Watsone.
Ryott: Advocatt against the Laird of Geight.
Rebellion: Johne Aitoun against David Sibbald.
Rebellion: Moses and James Wallaces against Johne M^cAdam.
Rebellion: Johne Blair against James Pringill.
Rebellion: Kathrin Edgar against James Jonstoun.
Oppression: Gray and Gordon against the baylies of Faulkland.
Ryott and Oppression: Margaret Manij, &c. against Johne Gladstanes.
Oppressione: James Sibbald against Sir Robert Forrester.
Rebellione: Mathew Baylie against Johne Jardin.
Ryott: David Cletoun against Thomas Gairdin.
Rebellion: Laird Lugtoun against Johne Douglas.
Ryott: Maxwell against Glendining.
Rebellion: Edmestoun against M^cCullochis.
Rebellion: Alexander Harvy against James Baylie.
Rebellion: Sir Hendry Wardlaw against Patrik Huntar.
Act ordaining the toune of Edinburgh, Canongate, and suburbs, to be keiped frie of beggaris, &c.

Rebellion: Thomas Ferguson against Patrik Andersone. Minute Book.

Ryott: Jonet Turnbull against Richard Lawsone.

Letteris: Gilbert Lauder against the Magistratis of Lauder craving to be putt to liberty.

Deforcment and Ryott: Alexander Watson against Arthour Chamber.

Rebellion: Johnne Stewart against William Turnbull.

Rebellion: Robert Murray against Hew Maxwell.

Commissione to the Earle Huntly, &c., for apprehending the complyeris with M^cDonald, the tratour.

Edinburgh, 2nd April 1616.

Sederunt—President; Lynlithqw; Blantyre; Bugcleuch; Burlie; Cranstoun; Bishop of Caithnes; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop. Decreta Mar. 1616–Jan. 1617.

Caption against Kennedy of Crugilton and Stewart of Dunduff for debt.

Complaint by Mathew Baillie of Litlegill, that James Kennedy of Crugiltoun and William Stewart of Dunduff, as cautioners for Andro, Lord Stewart of Uchiltrie, remain unrelaxed from hornings of 16th and 18th January 1613 for not paying 3000 merks of principal and £200 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 144, b.

Lord Forbes against the Earl of Caithness, and his son, Lord Berridale, for resetting certain fugitive criminals: decreet against defenders, with farther measures for apprehension of the fugitives.

Complaint by Arthour, Lord Forbes, and William Innes, his tenant at Sansett, as follows:—Pursuers having been informed that Allaster Robsoun in Dalrait, brother of Johnne Robsoun in Berridaill, George M^cAllaster Cryrie, and Alexander M^cAllaster Roy in Dilrait, were burners and destroyers of their corn in the barnyard of Sansett in November last, Lord Forbes obtained a commission from the Lords of Secret Council for their arrest and exhibition (*ante*, p. 451). These persons, Fol. 145, a. getting knowledge of the commission, left their dwellings and retired far into the country, near the houses of George, Earl of Caithnes, and William, Lord Berridaill, his son,—"at the least quhair the said Erll and his said sone hes gritest pouer, force, and strenth." They are there reset and entertained by the said Earl and his son; and pursuer, fearing that some "inconvenientis" might follow if the commissioners should pass so far within the country and so near to the Earl of Caithness's power and forces, "took bak his commissioun, and wald suffer nothing to be proceidit thairin." The said Earl and his son should therefore be made answerable for the said persons.—Pursuers appearing personally, and Fol. 145, b. Lord Berridaill appearing for himself and his father, the Lords find that defenders are responsible, and order them to exhibit the said persons before them on 18th June next, under pain of rebellion, because,—"the said Erll of Caithnes being one of his Majesteis most honnoura[b]le Prevey Counsaill, and he and his said sone being his Majesteis Justiceis, officeris, and magistratis of the cuntrey, and haveing sufficient power, force, auctoritie, and commandiement within the cuntrey of Caithnes to tak, appre-

Decreta Mar. 1616–Jan. 1617.

hend and exhibite all delinquentis,"—they have no excuse for the contrary. And, "to the effect that all future pretext of excuse may be removit fra the said Erll and his said sone anent the exhibitioun of the saidis personis upoun alledgeance that thay haif fled oute of thair boundis," the Lords order a commission to be passed, whenever they shall desire it, for the arrest of the said persons in any part of the kingdom,—with this proviso: "that thay be apprehendit and exhibite alyve, without hurte done to thame in thair personis, and that the said commissioun be nawyse execute, nor the said thrie personis socht within ony pairt of the boundis pertening to the Erll of Sutherland and Donald M^cKy of Far, aganis whome the said Erll of Caithnes and his sone sall have letteris for thair relief anent the exhibitioun of the saidis thrie personis, incaice thay be resset in the said Erll of Sutherlandis and M^cKyis boundis." The commission will in no wise affect the present decreet.

Fol. 146, a.

Farther decreet in the same matter, concerning same defenders and also Mackay of Farr.

Complaint by Arthour, Lord Forbes, and William Innes, his tenant at Sansett, as follows:—The Lords have heard how the barnyard of Sansett was destroyed by night in November last. After long inquiry the pursuers have discovered that the following were the perpetrators of the deed:—Johnne Robsoun, *alias* Gwn, in Langwele, Rorye Donald Gilbertsoun in Achalabist, Allaster Georgesone in Ulgrumbeg, Johnne Donald Neilsoun there, Johnne Reid Rorysoun in Achalabist, Reid, his eldest son, there, William Donald William Hendirsoun in Achnagald, and James Donald William Hendirsoun, his brother, in . These persons are tenants and servants of George, Earl of Caithnes, and his son William, Lord Berridaill, who therefore should be answerable for them.—Pursuers appear personally, and Lord Berridaill appears for himself and his father, and produces the said persons, except Allaster Georgesoun and Johnne Donald Neilsoun,—the former having retired towards the bounds of Donald M^cKy of Far before defenders were charged to exhibite him, and the latter having escaped with his wife and family to M^cKy's bounds, although he had promised defenders to appear on 20th March last, and to join the company going south in charge of persons appointed by defenders. Donald M^cKy, who is present, undertakes to exhibit the former, and the latter also if he should be aware of his presence within his bounds.—The Lords declare that defenders have satisfied the demand for the exhibition of the said persons who have appeared, and assoilzie them from the entry of Allaster Georgesone, because Donald M^cKye has undertaken to be answerable for the said Allaster; but they hold defenders responsible for the exhibition of Johnne Donald Neilsoun, because he was on their lands when they received the charge, and "thay sould haif tane some straitair and suirair course with him, seing he wes challangeit upoun so foull and heich a cryme." They therefore order them to exhibit him on 18th June next, under pain of rebellion. They further order defenders to have letters of relief against M^cKy for the exhibition of Neilsoun; and that the six persons exhibited this day be imprisoned in

Fol. 146, b.

the Tolbooth of Edinburgh, "and in severall chalmeris," during their pleasure. Decreta Mar. 1616–Jan. 1617.

George Waldie, carter, committed to ward for refusing his services at the works going on in Edinburgh Castle.

Complaint that, "George Waldie, cairter, being divers tymes desyrit be his Majesteis Thesaurair Depute to have served his Majestie in his workis in the Castell of Edinburgh, he hes, upoun idill, impertinent and fecles excuisis, refuisit his Heynes said service, geving thairby evill example to utheris to do the lyke, without remeid be providit."—The said George Waldie appearing personally, the Lords, having heard "his idill and impertinent excuisis maid in this mater," order him to be detained in the Tolbooth, at his own expense, during their pleasure.

Richard Lauder and others committed to ward.

The Lords order Richart Lawder, who appeared this day, to be imprisoned in the Tolbooth of Edinburgh during their pleasure and at his own expense, and that Patrik Blakie, Williame Borthuik, and Johnne Turnour enter their persons within the same within six days, under pain of rebellion, to remain there at their own expense till further order be made (*ante*, p. 487). Fol. 153, b.

Commission for the trial of James Aiken in Culross for fraud.

Commission under the Signet, signed by Jo: Prestoun, Blantyre, and Sir [W.] Oliphant, is given to the bailies of Culros to try James Aikine in Culros, now in their custody, for the following crime:—Sir George Bruce of Carnok having given the said prisoner charge of his bark called "The ", directed him to sail with a cargo of salt to the town of Lyn in Ingland. He made a good market there, but was tempted to appropriate the money. For this purpose he wrecked the ship on a fair and clear day, and escaped in the ship's boat with the money. He came home to Culros and told Sir George a tale of disaster which was willingly believed; but ere long he made full confession. He was thereupon arrested by the said bailies. Commissions. Fol. 232, b.

Licence to John Orr (?) for building out a vault in the High Street of Edinburgh.[1]

Licence to Johne Wr, merchant burgess of Edinburgh, "to found, outebig, and mak ane wolt within our Heich Gait and calsay of our said burgh of Edinburgh foiranent his awne land lyand in the Over Bow of our said burgh upoun the south syde of our Hie Streit of the samyne, quhilk sumtyme pertenit of auld to umquhile Mr. Robert Spittell, lyand within our said burgh a litill abone the Over Bow and upoun the south syde of the Hie Streit of the samine, betuix the land and tenement of the airis of umquhile Thomas Smith, now James Broun, upoun the eist, our said Hie Streit upoun the west, the landis of James Harlawbankis on the southe, and the landis foundit to the alter of St. James within the kirk of St. Geill within our said burgh on the north. Quhilk wolt sall extend to and fra the ground of the said tenement and in and to our said Hie Gait, and breid to tuelff futes, and in lenth fra the north to the southe as is boundit." Given under the Signet and signed by the Chancellor, Mar, Linlythgow, Wintoun, and Binning. Fol. 16, b.

4th April 1616. Commission to the Bishop of Galloway for inquiry into

"JAMES, &c. to William, Bischop of Galloway, ane of the Chappell Royal of Striveling, and to our lovittis, &c., messingeris, our schireffis in Fol. 233, b.

[1] The day and month of this entry are not given; but, as the regnal years are mentioned, it must be placed between 29th July 1615 and 2nd April 1616.

Commissions.

that pairt, conjunctlie and severalie, speciallie constitute, greeting,—Forsamekle as, for the mantenance of our honnour and prerogative of our Crowne of that our antient and native kingdome of Scotland, oure cheif intentioun, will, and mynd hes bene thir many yeiris bigane, and as yit continewis, to repair and redres all thingis done to the derogatioun of the trew worship of God and to the hurte and prejudice of the publict and commoun state and weill of our said kingdome; and, amangis mony defectis that throw injurie of tyme hes fallin furth thairintill, we, finding ane grite decay of that antient monument of our Chappel Royall of Striveling, so worthelie and of auld tyme establischet and foundit be our grite grandfather of worthie memorie King James the Fourt of Scotland, have not onlie by diverse actis of our Parliamentis of our said kingdome, with full consent of the Estaitis thairof, recallit and annullit sindrie provisionis, richtis, and secureteis grantit to the derogatioun, hurte, and prejudice of the said Chapell, patrimony, and memberis thairof, bot also, haveing certane knawledge that be the foundatioun of the said Chapell the samyn wes annexat to the bishoprik of Galloway and the Bishopis thairof constitute perpetuall Deanis of the said Chapell, we have thairfore grantit sindrie patentis and uther warrandis to yow the said William, Bischop of Galloway, off and concerning the Chappell Royall, ratifeing and approveing the auld fundatioun and institutioun thairof, insafer as concernis the service of us and our successouris in musik and all uther thingis not repugnant to the trew religioun presentlie profest and be our lawis of all our kingdomes uniformelie establischet, and also speciall directioun to yow to rectifie, correct, and amend sik abuses as hes bene heirtofore ressavit and allowit in admissioun of personis to serve in our said Chaippell Royall in musik according to the first fundatioun and institutioun thairof, —quhilkis personis for the maist pairt, as we ar certanelie informed, are altogidder unable and unqualifeit for dischairgeing of ony poynte of dewtie prescryvit be the airt and science of musik, and utheris personis, quha ar of the smalest nomber, ressavit and admitit to serve in the said Chappell Royall hes so disertit thair chairge, functioun, and calling that in effect for the present thair is skairce ane monument or memorie to be found of the said Chappell and memberis of the samyn: For redres quhairof we be thir our letteris haif gevin and grantit our full pouer, auctoritie, and commissioun to yow the said William, Bishop of Galloway, with concurs and assistance of the reverend father[is] in God, Johne, Archibischop of St. Androis, and James, Archibishop of Glasgow, conjunctlie and severalie, to compeir within quhatsumevir burgh or citie of our said kingdome of Scotland, at or upoun quhatsomevir day or dayis by yow thocht requisite, first for creating and concluding upoun all thingis tending to the restitutioun and advancement of the said Chaippell Royall, rentis, patrimonye, and memberis thairof, and anent the dew course and ordour that salbe fittest to be followit furth to that effect, and thairefter that courtis ane or ma salbe haldin be yow, William, Bischop of Galloway, with concurs foirsaid, for calling and ceiting of all personis

the present state of the Chapel Royal of Stirling, and of the service there in music and in other matters; with powers to reform the same and restore the chapel to its former credit and distinction.

Fol. 234, a.

pretending richt, interes, and provisionis as memberis of the said Chaippell Royall, rentis and patrimonye thairof, upoun the tryall of thair habilitie, qualificatioun, residence, and sic utheris pointis of dewtie as belangis to thair chairge and functioun, and to urge thame quha salbe found meete and qualifeit to exerce and use thair functioun and charge in the said Chapell, to gif thair aithes for recognoscing and acknawledgeing of our auctoritie as thair Soverane, and for dew obedience to you thair ordinair, and als for finding cautioun as ye sall prescryve for thair actuall residence and service in our said Chappell Royall of Stirling, or Haliruidhouse, as salbe ordanit and set doun to thame thairanent; and sic of the foirsaidis personis pretending to be memberis of the said Chappell Royall quha ar and salbe found unqualifeit for exerceing of thair chairge and functionis in the said Chaipell, or that refuisis to gif thair aith and find cautioun to the effect abonewrittin, with pouer to yow the said Bischop of Galloway, with concurs and assistance of the saidis Archibishopis, conjunctlie and severalie, to depryve thame *simpliciter* of and frome all chairge and functioun of the said Chapell, and of all provisionis, rentis, and dewteis providit to thame as membiris of the same Chaippell; and that ye do use and exerce all utheris thingis forder requisite for the plantatioun and restitutioun of the said Chappell Royall and ordinarie memberis of the samyn, as ye will answer to us thairupoun."—Given under the Signet; signed at Roistoun by the King; and also signed by the Chancellor and Binning. Commissions.

Edinburgh, 16th April 1616.

Sederunt—President; Bishop of Glasgow; Bishop of Caithnes; Blantyre; Treasurer Depute; Clerk of Register; Sir Andro Ker; Advocate. Decreta Mar. 1616-Jan. 1617. Fol. 147, b.

Gordon of Gicht and his son-in-law against the Hays of Brunthill for assault: defenders assoilzied.

Complaint by the King's Advocate, George Gordoun of Geycht, William Hay, brother of Frances, Earl of Errol, and son-in-law of the said George Gordoun, and Baird, his servitor, as follows:—"Thair being some questioun, contraversie, and difference standing betuix the said William Hay, on the ane pairt, and Dame Agnes Sinclair, Countesse of Erroll, his mother, on the uther pairt, and the said George Gordoun of Geycht haveing travellit with the saidis pairteis for the freindlie satling of the materis foirsaidis standing questionable betuix thame, after grite panes and travellis taikin be him thairintill in end he procureit both the saidis pairteis willing to keip ane tryst and meiting at the kirk of Carden upoun the day of for the finall and full satling of the saidis materis. And, that the said Laird of Geycht micht be the more reddy and ewest in lauchfull tyme of day for keiping of the said Fol. 148, a. tryst at the place foirsaid appointit for that effect, the said Laird of Geycht, thairfore, upoun the day of Februair last come to his said sone-in-law his hous of , quhilk is verie ewest and neir to the said kirk of Cruden. And in the evening, the said Laird of Geycht and his said sone-in-law, and Baird, with uther twa husband men,

Decreta Mar. 1616–Jan. 1617. Fol. 148, a.

haveing went furth of the said William Hay his said house, single and thame allanes, with ganging staulffis in thair handis walking on fute, for seiking ane flicht to the said Laird of Geycht his halk upoun the watter of Cruden, they come alongis the said watter neir unto the mylne of , pertening to the said William Hay, in a verie peciable and quiet maner, lippyning for nothing les then ony oppin violence or injurie to have bene done to thame be ony persone or personis. Notwithstanding, it is of treuth that Maister Patrik, Williame, and George Hayis, sones to Alexander Hay of Brunthillis, being in ane oisler house neir unto the said mylne, quhair thay had spent the most pairt of that day in the intertenyment of thame selffis with excesse, and persaveing the said Laird of Geycht walking on his fute with ane staulf in his hand as said is, upoun a deidlie malice and privat grudge consavit and borne be thame in thair hairtis aganis him, resolvit at that tyme to have his life. And for this effect the said Mr. Patrik Hay, him allane comeing first furth of the said house, verie tantanlie, scornefullie and disdanefullie schoutit and cryit the falconneris cry, and said "wow wow, schit schew"; and the said Laird of Geycht and his said sone-in-law, not knawing at the first who it wes, nor quhat the mater meanit, patientlie comportit with the speitcheis foirsaidis; bot, heirefter persaveing that it wes Mr. Patrik Hay, for eschewing of forder trouble thay went directlie fordwart alongis the said wattir, comporting with the injurie foirsaid. And, the said William Hay, bruther to the said Mr. Patrik, comeing then furth of the said house, thay both, airmed with swerdis, came trotand efter the saidis complenaris; and, the said William Hay, brother to the said Erll of Erroll, haveing went to thame to ask of thame quhat thay meanit and to haif dissuadit thame fra committing ony oppin violence aganis his said father-in-law, thay directlie past by him, pullit out thair swerdis, and most feirslie set upoun the said Laird of Geycht, and schamefullie, cruellie, and unmercifullie invaidit and persewit him of his lyff. And, he haveing fled frome thame a grite space, thay, accompanyt with the said George Hay, thair said thrid bruther, followit him over the bra of the mylne dame of the said mylne (fra quhilk place he could not flie ane fute farder), and thair the saidis thrie brether most cruellie and unmercifullie invaidit and persewit him of his

Fol. 148, b.

lyff, lichtit all thrie upoun him at once with thair drawne swerdis, cuttit doun thairwith his pickadaill upoun both his sheulderis, strak him on his bak in the said mylne damme, and had not faillit to have slayne and drownit him thairintill (his said sone-in-law and his said servand being singlit frome him and haldin fast be the personis present for the time), wer not, be the providence of God, the said Laird of Geycht his said servand, who bore his halk, pat ane hagbute in his hand, whiche he than accidentlie caryed for slaying ane craw to the halk, [and] the said Laird of Geycht defendit himselff thairwith. And the saidis personis also cruellie and unmercifullie invadit and persewit the said William Hay and Baird of thair lyveis, and thay narowlie eschaipit with their lyveis."—The King's Advocate, and William Hay, pursuer, appearing,

but the Laird of Geycht and his servant not appearing, and defenders being personally present, the Lords dismiss the process and assoilzie defenders because they deny the charge on oath. Decreta Mar. 1616–Jan. 1617.

George Grahame and others against Rory M^{c}Kenzie M^{c}Allaster Roy and others for assault and attempted murder.

Complaint by the King's Advocate, George Grahame of Drenie, Donald M^{c}Veane there, William Over there, and Ferquhair Cattanach there, and the said George as their master, as follows:—Mr. Johnne M^{c}Kanzie, minister at Dingwall, out of hatred of pursuer, and "without respect to that godlie, honnest, and peciable behaviour which beseameth ane of his calling and professioun," did on 26th August last send his tenant Rorye M^{c}Kanzie M^{c}Allaster Roy in Sligo, armed with a long musket "chairgit with a grite nomber of bulletis," to wait at "ane house end behind ane dyke of dovetis within the said George his awne toun of Drenie," and to attack the said Laird. When the said Rorie saw the pursuer "single and him allane, with ane boy onlie following him with his swerd at his bak, going and walking furth the hie way," he discharged the musket at him, and lodged seven bullets in his body—of which five still remain. When pursuer fell, the said Rory "come rynnand upoun him, and with the muscat, haveing the small end thairof in both his handis, preissit to haif fellit the said George," and left him for dead. Fol. 149, a. "Immediatlie thairefter, Johnne M^{c}Charter, domesticque servitour to the said Mr. Johnne M^{c}Kanzie, and Johnne Clerich, servitor to the said Rorie, who wer appointit be the said Mr. Johnne to assist the said Rorie in the murdressing of the said George gif he sould stand in neid of help, persaving the said George going away on his awne feit, thay, being bodin in feir of weir, with durkis, swerdis, targis, and with pistolletis on thair body and in thair company, raise furth of the place quhair thay lay dernit, and followit the said George with all thair speid; and the said Johnne M^{c}Cleriche schott and dischairgit ane pistollet at him, and he narrowlie eschaipit with his lyff." Fol. 149, b. Again, on 28th August the said Johnne M^{c}Kerchair and some armed accomplices attacked pursuer's tenants in Drenie, and also Schieack, spouse of the said Ferquhaird. They hurt the said Donald in the head, the said Ferquhard in the hand, and the said William in divers parts of his body, and "brak the said Scheack hir bak."—The King's Advocate appearing, and the said George Grahame appearing for himself and the other pursuers, and the said Rorye, Johnne M^{c}Clerich, and Johnne M^{c}Kerquhair not being present, the Lords order the said defenders to be denounced rebels.

Suspension of horning against Laurence Thomson.

Complaint by Lawrence Thomsoun in Leyth that he has been put to the horn wrongously, at the instance of James Baid in Leyth, for not appearing before the Council to answer a charge of assault. Fol. 150, a. As he was not lawfully summoned, and yet had found caution for 500 merks to appear this day, the horning ought to be suspended.—Pursuer appearing personally, and defender not appearing, the Lords do suspend the said process.

Charge against the Laird of

"Anent oure Soverane Lordis letteris raisit at the instance of Sir Fol. 150, b.

Decreta Mar. 1616–Jan. 1617. Fol. 150, b.

Gicht and others for the murder of Francis Hay.

William Oliphant of Newtoun, his Majesteis Advocat, for his Heynes interesse, makand mentioun, that quhair, albeit the convocatioun of his Majesteis leigeis, the beiring and weiring of hagbutis and pistolletis, and the taking of frie personis, be crymes quhilkis ar verie straitlie prohibite be the lawis of this kingdome, and ar haldin in verie grite detestatioun and haitrent in all kingdomes, as being prejuditiall to his Heynes Soverane auctoritie: notwithstanding it is of treuth that, upoun the auchtene day of December last, George Gordoun of Geycht, William Hay, his sone-in-law, Johnne, Alexander, Robert, and Patrik Gordonis, his brethir, James Baird, William Gordoun in the Maynis of Geycht, Johnne Sinclair, bruther to the Laird of Achannachie, Andro Nicolsoun, servitour to the said William Hay, Patrik Clyntlie in Ardiffery, Thomas Bisset, servitour to the Laird of Geycht, and Johne Gordoun, schiref-depute of Abirdene, with utheris thair complices, and with convocatioun of his Majesteis leigeis to the nowmer of personis, all of thame being privat men cled with no lauchfull warrand, pouer, auctoritie nor commissioun, and being bodin in feir of weir with invasive, forbiddin, and unlauchfull wapponis, and convocat and assemblit togidder, the said Laird of Geycht come in a hostile and weirlyke maner to William Hay his dwelling house of Logyruiff, quhair umquhill Frances Hay, his Majesteis frie leige, wes for the tyme, and invironed and belayit the house on all sydis, upoun set purpois, provisioun, and resolutioun to have assedgit the same, and in end to have rissin fyre, gif ony oppositioun had bene maid to thame in the deliverie of the said Frances. And, haveing assaylled the said William Hay within his awne house a certane space with mony threatning and minassing speitcheis, in end thay forcit him, for eschewing of thair barbarous crueltie, and freithing him selff and his familie frome the present daunger quhilk hang over thair headis, to grant thame acces in his house. And thay, usurping upoun thame his Heynes royall pouer and auctoritie, took the said Frances prisonner, and transportit him, guairdit with a nomber of men in armes, to the burgh of Abirdene; and, comeing thair about ten of the cloke at nicht, thay committit and detenit him presoner in thair awne ludgeing in the Gallowgait of Abirdene, callit the Bony Wyffis Inne, the space of fourty aucht houris,—to witt, quhill the twentye day of the said moneth at ellevin of the clock in the foirnoone,—suffering no persone of his kin and freindschip to haif acces unto him nor to confer nor intercommoun with him in this meanetyme. And the said Laird of Gycht in this tyme directit his messageis and letteris to the haill baronis and gentilmen of the cuntrey thairaboute who profest him freindschip and goodwill, intreating thame to come and assist him in the acting of that detestable, violent, and barbarous tragidie whiche he had in handis. Quhairupoun thair come flocking unto him frome all the coirnairis of that province nomberis of baronis and gentilmen in airmes; and, being all assemblit togidder to the nomber of twa hundreth people in airmes, and, the Laird of Geycht then thinking him

Fol. 151, a.

selff of sufficient pouer, force, and strenth to do his turne and to resist quhatsumever thing sould be intendit be ordour of law or utherwyse for defence of the said Frances his lyff, he, being backit, assistit, and accumpaneit with the haill nomber of personis foirsaidis in airmes, brocht the said Frances frome thair ludgeing the said twenty day at ellevin of the clock in the foirnoone, and caryed him alangis the hie calsay to the tolbuith of Abirdene, quhair Johnne Gordoun of Clubbisgoull, schiref depute of Abirdene, ane of thair awne complices and direct pairtie with thame in all that mater, wes attending, he being the cheif persone whose advise, counsaill, and directioun and opinioun thay followit in the prosequutioun of this haill busynes. And, he being guiltie in his awne conscience before God of partialitie and preocupyit opinioun, and knawing weill aneugh that the tyme of his previledge, gif he ony had, wes expyrit, he, notwithstanding, to the offence of God, contempt of his Majestie, and scandaill of the justice of the cuntrey, most presumptuouslie, arrogantlie, and with ane evill conscience usurpit upoun him the place of judge, and presentit him selff and sat doun in judgement. And, whereas Mr. William Barclay, advocat, wes prepairit to haif compeirit for defence of the said Frances lyff, and had mony guid reasonis and exceptionis aganis the pretendit judge, as partiall and incompetent, being pairtie,—aganis his jurisdictioun, as expyrit, the defendair not being tane reid hand,—aganis the tyme, as not being cited upoun fyftene dayis wairning,—and aganis the actioun, as excludit, becaus the pairtie slayne be Frances died at the horne for divers criminall causis, quhairof the horningis wer reddie to produce,—the said schiref depute, Laird of Geycht, and thair freindis, being foirsene thairof, and undirstanding weill aneugh that ony ane of thir exceptionis according to the course of law and justice wald haif frustrat and maid void that dyet, and thay being bent and resolvit to haif the said Frances lyff, thay directit George Leslie of Kincragie to the said Mr. William Barclay with a commissioun dischairgeing him upoun the perrell of his lyff to come and speik for the said Frances, assuiring him gif he compeirit that, howevir thay wald reverence his Majesteis seate during his being thair, that thay sould put twenty quhinyearis in him efter he wes anes doun the stair. And some uther advocatis in the toun wer boistit, threatnit, and minassit gif in any wayis thay spak in that mater; and, some of the said Frances freindis, who wer prepairit to come to Abirdene to dischairge that dewtie unto him quhilk become thame, thay wer adverteist and forwairnit to come upoun thair gaird or utherwyse upoun thair hasard and perrell. And sua, the poore gentilman being bereft of the benefite of lauchfull defence, quhilk God and nature hes indifferentlie allowed unto all men, and debarrit fra speiche, company, and conferrence of his freindis and advocatis, who durst not assist him for feir of that unlauchfull assemblie of forces, he wes enterit upoun pannell and put to the knawledge of ane assise selectit and chosin be the pairteis thame selffis, and who wer so fer addictit unto thame as no doubt wes had of

Decreta Mar. 1616–Jan. 1617.

Fol. 151, b.

Decreta Mar. 1616–Jan. 1617.

the said Frances convictioun. Lyke as he wes convict be thame of the said slauchter, and sentence of death pronuncit aganis him to losse his head. After the pronunceing of quhilk sentence, the pretendit usurping judge deliverit the said Frances to the pairtie, to be demanit as thay thocht good; who took him bak to thair awne privat prisone agane, and keipit him till the nixt day. And, chuseing the tyme of sermone for his executioun, about sevin in the cloik in the moirning, to the effect the eyis of these who delytit to heir the preiching of Godis word sould not be polluted nor thair hairtis grevit with that act worthie of no uther spectatouris bot the cruell actouris, thay, being all convenit in airmes as afoirsaid, took the said Frances doun the closse of thair ludgeing oute at a bak yett, and caryit him to a hoill betuix tua mottis, not a rig lenth or tua fra the said dure, quhair thay crowned thair tragidie with so butcherly magling the poore gentilman with sex severall straikis upoun his scheulderis, hind head, and neck, as the lyke hes nevir or seldome bene sene or hard. Quhilk barbarous, inhumane, and detestable barbaritie, so baldlie and publictlie committit in contempt of law and justice as said is, wes secundit be the said Laird of Geycht in a most raigefull crueltie commitit be him and his servandis aganis William, George, and Mr. Patrik Hayis, sones to William Hay of Brunthill; for the quhilk last fact the said Laird of Geycht being callit to his answer before the Lordis of Secrite Counsaill, and, he feiring the event of his tryall and takand upoun him the ignominie and guylt of that cryme, he absentit him selff and compeirit not; quhairupoun the saidis Lordis hes already gevin sentence aganis him. In the quhilk last fact he wes assistit and accumpaneit with Johnne Sinclair, bruther to the Laird of Achannachie, Alexander, Patrik, and Robert Gordonis, his awne brethir,

Fol. 152, a.

James Baird and William Gordoun in the Maynis of Geycht, his servandis, Andro Mylne, falconner, Andro Nicolsoun, servitour to the said William Hay, sone-in-law to the said Laird of Geycht, and Andro Cantlie in Ardiffrie. Quhilkis personis, being all bodin in feir of weir and haveing hagbutis and pistolletis upoun thair personis and in thair companyis, being informit be ane spy send out of purpois be the said Laird of Geycht that the saidis thrie brethir of Brunthill wer at ane brydaill at the mylne of Ardiffrie, within twa flicht shoitt of thair fatheris dwelling house, and upoun Frances, Erll of Erroll, his proper land and heritage of the barony of Slanes, and thay not being satisfeit and content with the formair barbarous inhumanitie commitit as said is, bot in the crueltie and malice of thair hairtis resolveing to haif the lyveis of the thrie innocent brether for no uther caus bot becaus the said Frances wes taikin out of the said William his house, the Laird of Geycht thinking it a cryme unpardonable in the persone of ony of his rank or within to resset or schaw favour to ony persone aganis whome he beiris querrell, thay thairfore come directlie to the house quhair the thrie brethir wer at the brydaill as said is upoun the first day of Februair last. And, the brethir being informit that thay wer about the

house, and apprehending, as the treuth wes, that thair lyveis wes socht, George Hay, ane of the brethir, without swerd or weapone come furth and in most gentill termes desyrit the saidis personis to go away in peace, and not to crave moir blood, seing thair wes aneugh already gottin. Bot so fer wer thay frome geving care to the intreaty of the said George that most feirslie, schamefullie, and cruellie they set upoun the said George and his saidis tua brether and invaidit and persewit thame of thair lyveis, hurte the said William deadlie in the oppin of the head with a swerd efter he wes schote throw the thie with a hagbute, gaif the said George tua deidlie strykis, ane on the head and one upoun the left hand, sua that he is mutilat of tua fingeris, and strak the said Mr. Patrik through the body and left thame all lyand upoun the ground for dead, suirlie beleving thay had bene dead, utherwyse thay had not left thame quhill thay had bene dead; and thay left ane hagbute and ane pistollet behind thame."—Pursuer appearing personally, and the said William Hay being also present, and James Gordoun of Knokaspek appearing to excuse the absence of the other defenders, the Lords find as follows:— "That the saidis George Gordoun of Geycht, William Hay, his sone-in-law, Johnne and Alexander Gordonis, his brether, and James Baird come the day libellit, being Monanday, to the said William Hay his dwelling house of Logyruiff, quhair the said Frances wes for the tyme, and that thay, being privat men cled with no lauchfull warrand, pouer, nor auctoritie, unlauchfullie tooke the said umquhill Frances furth of the said house, and that the said Laird of Geycht, the saidis Johnne and Alexander Gordonis, his brether, and James Baird caryed him thairfra as prisonner to the burgh of Abirdene, quhair thay commitit him to strait keiping in ane ludgeing callit the Bony Wyffis Inne, and detenit him thair guardit with a nomber of the said Laird of Geychtis servandis whill the Weddinsday thairefter,—the said Laird of Geycht, and the said Johnne Gordoun, schiref-depute of Abirdene, in this meantyme haveing divers tymes come to the said house to countenance and assist the unlauchfull keiping and detentioun of the said umquhill Frances,—and that no personis wer sufferit to have acces unto the said umquhill Frances bot be the permissioun of the said Johne Gordoun of Ardlogy and utheris placeit be the Laird of Geycht to gaird and keip the said Frances, nor to have speiche or conferrence with him bot in thair audience; and that the said Laird of Geycht utterrit some minassing and threatning speitcheis to some of his freindis aganis Mr. William Barclay, advocat, who wes imployit to speik and pleade for the said Frances; quhilkis speecheis comeing to the earis of the said Mr. William maid him to forbeir all doing for him, sua that the said Frances wes bereft of the benefite of lauchfull defence, quhilk God and nature hes indifferentlie allowit to all men. And that upoun the said Weddinsday the said Laird of Geycht, accumpaneid with a nomber of baronis and gentilmen of his kin and freindschip, brocht the said umquhill Frances to the tolbuith, quhair the said schiref-depute pat him to the knawledge of ane assyse, althocht the tyme of the said schiref-depute

Decreta Mar. 1616–Jan. 1617.

Fol. 152, b.

Fol. 153, a.

Decreta Mar. 1616–Jan. 1617.

his jurisdictioun wes expyrit, the said umquhill Frances not being tane reid hand; and that he pronuncit sentence of death aganis him; quhilk wes execute upoun him upoun the morne thairefter about eyght of the cloik in the moirning in forme and maner as is libellit. And declairis that the defendairis particularlie abonewrittin, takairis, keipairis, useairis, and detenaris of the said umquhill Frances in maner foirsaid, hes not onlie usurpit upoun thame oure Soverane Lordis royall power and auctoritie in taking and detening of the said umquhill Frances without ony lauchfull warrand or commissioun, bot with that thay have commitit a verie grite insolence of a most pernitious and wicked preparative and example, and that the said schiref-depute hes in a heich degrie contempnit the Kingis Majestie in abuseing of his Majesteis royall name and auctoritie as a cloke and cover to the revenge of the particulair querrell of him selff and the Laird of Geycht his freindis in maner foirsaid. And thairfore the saidis Lordis decernis and ordanis the saidis George Gordoun of Geycht, Johnne Gordoun, schiref-depute of Abirdene, Johne and Alexander Gordonis, brether to the said George Gordoun of Geycht, and James Bair[d] to entir thair personis in waird within the Tolbuith of Edinburgh, thairin to remane upoun thair awne expensis ay and quhill forder ordour be tane with thame anent the mater as appertenis; and ordanis letteris of horning to be direct aganis thame for entrie of thair personis in waird foirsaid upoun a simple chairge of fyftene dayis; and ordanis the said William Hay, who wes personalie present, to be send bak agane to his waird in the Tolbuith of Edinburgh, thairin to remane upoun his awne expensis ay and quhill the lyke ordoure be tane with him; lyke as he wes deliverit to the Lieuteunent of the Guard to be caryed to the said waird. And alsua the saidis Lordis assoilzeis *simpliciter* the saidis Robert and Patrik

Fol. 153, b.

Gordonis, brether to the said George Gordoun of Geycht, Johnne Sinclair, Andro Nicolsoun, William Gordoun, Patrik Bissett, and Patrik Cantlie fra that pointe of this complaint tuitcheing the taking of the said umquhill Frances Hay, and decernis thame quite thairfra in tyme comeing. Becaus, divers personis being producit be the persewair, ressavit, sworne, and admitit as witnesis in this mater aganis the saidis defendairis, thay did cleirlie and sufficientlie verifie and prove this complaint in the particulair pointis abonewritten fundin and declairit be the saidis Lordis aganis the saidis George Gordoun of Geycht, William Hay, his sone-in-law, Johnne and Alexander Gordonis, his brethir, Johnne Gordoun, schiref-depute of Abirdene, and James Baird, and succumbit and failyet in preveing of the same aganis the saidis Robert and Patrik Gordonis, Johnne Sinclair, Andro Nicolsoun, William Gordoun, Patrik Bisset, and Patrik Cantlie,—as wes cleirlie understand to the saidis Lordis; for the quhilk caus the saidis Lordis hes found, declairit, decernit, and assoilzeit in maner foirsaid. And, whereas the saidis Alexander, Patrik, and Robert Gordonis, brethir to the said Laird of Geycht, James Baird and William Gordoun in the Maynis of Geycht, Andro Mylne, Andro Nicolsoun, and Patrik Cantlie compeirit not before

the saidis Lordis to have answerit upoun that pointe of this complaint tuitcheing the persute and invasioun of the saidis thrie brethir of Bruntthill upoun the said first day of Februair last, thairfore the saidis Lordis ordanis letteris to be direct to officiaris of armes, schireffis in that pairte, chairgeing thame to pas and denunce the saidis Alexander, Patrik, and Robert Gordonis, brethir to the said Laird of Geycht, James Baird and William Gordoun in the Maynis of Geycht, Andro Mylne, Andro Nicolsoun, and Patrik Cantlie his Majesteis rebellis, and put thame to the horne, and to eschete, &c." Decreta Mar. 1616–Jan. 1617.

[Sederunt not recorded.] Acta Mar. 1615–Aug. 1617. Fol. 23, b.

Edinburgh, 29th April 1616.[1]

Charge to William Ker of Grange and William Ker of Ancrum to appear and answer for interchange of challenges.

"Forsamekle as it is understand to the Lordis of Secrete Counsall that thair is some variance and contraversie fallin oute betuix William Ker, callit of Grenge, Lieutennent of his Majesties Guarde, on the ane pairt, and Williame Ker, callit of Ancrum, laite Lieutennent of the Guarde, on the uther pairt, lyke as thair is cartallis and challengeis direct fra ather of thame to utheris, quhairupoun farder inconvenientis ar lyke to fall oute betuix thame, to the brek of his Majesties peace and disquieting of the countrey, without remeid be providit,—thairfore the saidis Lordis ordanis letteris to be direct chairgeing both the saidis pairties to compeir personallie before the saidis Lordis of Secret Counsall upoun the fourt day of Maij nixttocom to answer to the premisis, and to underly suche ordour as salbe tane with thame tuitcheing the observatioun of his Majesties peace as accordis, under the pane of rebellioun, &c., and in the meanetyme to command and chairge [bothe the] saidis pairties to observe his Majesties peace, keepe good reule and quietnes in the countrey, ather of thame with utheris; and that [thay nor] nane of thame presoome nor tak upoun hand to invade or per[sew] another ather for quhatsumevir deid, caus, or occasioun, ather [of thame] under the pane of thrie thowsand merkis."

Edinburgh, 30th April 1616.

Sederunt—Chancellor; Bishop of Sanctandrois; Wyntoun; Lynlythgow; Perthe; Lotheane; Scone; Cranstoun; Binning; Bourley; Bugcleugh; Lord Melvill; Treasurer Depute; Justice Clerk; Advocate; Kilsythe; Medop.

Charge to the Commissioners for the Small Barons of the various shires to send in yearly to the Director of Chancery the names of those elected to serve in Parliaments as Commissioners for the Small Barons.

"Forsamekle as, by diveris actis of Parliam[ent his] Majestie and his predicessoris of famous memorie . . barronis and freehalderis of this realme anent thair . . [Par]liamentis and Generall Counsallis, it is ordanit [that the commissio]naris for the small baronis of all the schirefdomes of this realme [sall] be electit be the freehalderis of the shyre at the first head courte efter Michalmes yeirlie, or,

[1] "The Chancellour and Secretare returned from Court and came to Edinburgh upon the 24th of Aprile; and the Bishope of St. Androes soon efter."—So notes Calderwood, vii., 211; and the information explains absences in the Sederunts for some time back, and also the renewed activity of the Council now, and the number of new admissions into the Council about to be recorded.

Acta Mar. 1616–Jan. 1617.
Fol. 24, a.

failyeing thairof, at ony uther tyme . . it sould pleas the saidis freehalderis to convene for that effect, . . that his Majestie sould require thame thairto . . being chosin, that their names sould be reportit and notified yeirlie in write to the Directour of the Chancellarie be the commissionaris of the yeir preceiding, to the effect that, when ony Parliament or Generall Counsall sould occur, they micht be wairnit other be preceptis of the Chancellarie or be missive letteris to be present at the saidis Parliamentis and Generall Counsallis, as the said act of Parliament beiris: Quhilkis actis hes become in dissuetude thir divers yeiris bigane, and no reporte hes bene maid to his Majesties Chancellarie of the names of the commissionaris for the small barronis of the particular schirefdomes of this realme; sua that it hes ofttymes fallin oute, when ony Parliament hes occurrit, that the Directour of the Chancellarie knew not unto whome he sould direct the preceptis of the Chancellarie, to the grite hinder of his Majesties service and to the hurte of the small barronis thameselffis, who, through thair awne default and negligence in not taiking the names of thair commissionaris to be send yeirlie to the Chancellarie, hes bene and heirefter may be overseene and nawayes wairnit to his Majesties Parliamentis and Generall Counsallis:—Thairfore the Lordis of Secrite Counsall ordanis letteris to be direct chargeing the commissionaris for the small barronis of the particular schirefdomes of this realme for this last yeir bigane, and who salbe commissionaris for the yeir to come, be oppin proclamationis at the mercat croceis of the head burrowis of this realme, that they send in to his Majesteis Chancellarie and delyver to the Directour thairof the names of thair succeding commissionaris yeirlie, to the effect he may keepe ane note and record of thame, and accordinglie may be preparit and resolvit unto whome he sall direct the preceptis of the Chancellarie at everie intervening occasioun of Parliament or Generall Counsall,—certifeeing thame that failyees and sall not send in the names of the succeiding commissionaris, alsweill for this yeir as in tyme comeing, that the caus of not wairning thame to Parliament or Generall Counsallis salbe imput to thame selffis, and the Directour of his Majesties Chancellarie sall no wayes be blamed for not directing of preceptis unto thame."

Charge for the last term's payment of the taxation of October 1612.

"Forsamekle as the terme of Witsonday now approchis, quhilk is the last termes payment appointit ⌜for payment of the taxatioun of tua hundreth fourtie thousand pundis grantit to our Soverane Lord in the moneth of October the yeir of God j^{m} vj^{c} and tuelf yeiris, quhairthrow it is necessair that letteris be direct for collecting and imbringing of the same taxatioun in maner following: That is to say:—for imbringing of the spirituall menis pairt of the same taxatioun the Lordis of Secret Counsall ordanis letteris to be direct chairgeing all and sindrie archibishoppis, bishoppis, abotis, prioris, as lykewyse all noblemen and utheris in whose favour the erectioun of anie prelacie or uther inferiour benefice or any pairt or portioun thairof, be it in landis, kirkis, or teindis, or in

whose favour the patronage of any benefice, kirkis, or teindis, ar past, and all uther beneficeit personis contenit in the taxt rollis, thair chalmerlanes, factouris, and intromettaris with thair rentis and levingis, to mak payment of that sowme that they and everie ane of thame ar taxt unto for the last termes payment of the said taxationis to Sir Gedeon Murray of Elibank, knight, collectour generall appointit be his Majestie for ressaving of the said taxatioun, or to his deputis and officeris in his name haveand his power to ressave the samyne, within twentie dayes nixt efter the chairge (the said feast and terme of Witsonday and twentie dayes thairefter being bypast before anie executioun of horning be useit) under the pane of rebellioun, &c., and, gif they failyee, &c., to denunce and esheit, &c.; and, for imbringing of the baronis and freehaldaris pairtis of the same taxatioun for the said last termes payment and of the taxatioun of our Soverane Lordis proper landis, ordanis letteris to be direct chairgeing all and sindrie schireffis, stewartis, and baillies, thair deputis and clerkis, fewaris, chalmerlanes, and rentallaris of our Soverane Lordis proper landis, that thay and ilk ane of thame within the boundis of thair officeis rais and uplift the sowme of eightene shillingis money of the realme of Scotland of everie pund land of auld extent lyand within the boundis of thair jurisdictionis, as for the said last termes payment of the same taxatioun, and imbring and delyver the samyne to the said collectour generall, or to his deputis and officeris in his name haveing his power to ressave the samyne, within twentie dayes nixt efter the chairge (the said feast and terme of Witsonday and twentie dayes thairefter being bypast before anie executioun of horning be useit) under the pane of rebellioun, &c.; and, for imbringing of the last termes payment of the Burrowis pairt of the same taxatioun, ordanis letteris to be direct chairgeing the provest and baillies of ilk burgh to mak payment of [the] taxt and stent thairof to the said collectour generall, his deputies and officeris in his name haveing his power to ressave the samyn, within twentie dayes nixt efter the chairge (the said feast and terme of Witsonday and twentie dayes thairefter being bypast before any executioun of horning be useit) under the pane of rebellioun, &c. And, gif they failyee, to denunce and eschete, &c."

Acta Mar. 1615–Aug. 1617.

Fol. 24, b.

Renewed Proclamation against the killing, selling, or eating of venison and wildfowl till his Majesty's intended visit to Scotland in 1617, with specification of the penalties for disobedience.

"Forsamekle as, albeit thair hes bene a proclamatioun maid and publeist heirtofore dischairgeing the slaughter of wylde foulle and venisoun in ony pairt of this kingdome, quhairthrow his Majestie and his tryne micht be the better providit and furneist with [venisoun] and wyldefoule at his comeing to this kingdome in the beginning of the nixt spring of 1617 [see *ante*, p. 458], nevertheles suche is the delicacie or rather greedie appetit [of nom]baris of people within this kingdome, that, preferring thair [awne con]tentment and the delicate feeding of thair bellies to his [Majesties] obedience and to the credite of thair native countrey, [whiche sall] underly no small imputationis and reprocheis when the stra[ngeris] who sall accompany his Majestie sall behold and sie that thair [is not] sufficient store of wyldefoull and vennisoun within

Acta Mar. 1615–Aug. 1617. Fol. 25, a.

the same [for fur]nissing of his Majesties house, they do ordinarlie slay, sell, [and feed] upoun wyldfoull, and thair is all oppin mercattis [for everie] kynd of wyldfoull, as yf the said proclamatioun had nevir bene publeist, to his Majesties contempt and misregairde of his Majesties princelie directioun formarlie sett doun and publeist in this earand: Thairfore the Lordis of Secret Counsall ordanis letteris to be direct chargeing officeris of armes to pas to the mercate croceis of the head burrowis of this kingdome and utheris places neidfull and thair be oppin proclamatioun to command, charge, and inhibite all and sindrie his Majesties lieges and subjectis, of quhat estait, degree, qualitie, or conditioun soever they be, that nane of thame presoome nor tak upoun hand to slay, sell, buy, or eate ony kynde of wyldfoule or venisoun at ony tyme efter the publicatioun heirfore quhile the twentie day of Aprill nixttocome in the yeir of God j^{m} vj^{c} and seventene yeiris, under the pane of ane hundreth pundis to be incurrit be everie persone contravening the premisis so aft as he or sho sall failyee and contravene; whilk failyee and contraventioun salbe tryit other be thair awne aithe or be witnesis as accordis of the law. And, whenas the persone or personis contravening ar not responsall or able to pay the said sowme, they salbe punist in thair personis by wairding and feiding upoun breid and watter, at the arbitrament of his Majesties Counsall. And siclyke to intimate and declair to all and sindrie persone or personis that quha ever will reveill and showe to his Majesties Counsall or Deputie Thesaurair whair and be whome ony kynd of wyld foull or vennisoun is slane, sauld, bocht, and eatin, and will furneis probatioun for the same, that not onlie sall thair names be concealed, bot they sall have twentie pundis of every contraventioun that salbe tryit and decernit be thair meanes. And alsua to command and chairge all and sindrie magistratis to burgh and land, and all justices of peace, everyone of thame within thair awne boundis, to haif a speciall cair and regaird that this present act and ordinance be preceislie keipit, and that they suffer no mercate to be maid and keipit for wyld foull, nor nane to be sauld in housis nor sellaris, bot that they appoint searcheouris and visitoris, as they will answer to his Majestie and his Counsall upoun the dewtifull discharge of thair officies."

The Earl of Wintoun admitted of the Council.

This day the Lords admitted George, Earl of Wintoun, to a seat in the Council. The Earl, being present, took in due form the oath of allegiance, and the oath of a Privy Councillor.—Follows "his Majesties missive lettir for the warrant of the act abonewrittin:—Right trustie and welbeloved cosen and counsellour, wee greett yow well. Haveing had

Fol. 25, b.

good proofe of the sufficiencie and qualificationis of our richt trustie cosen and counsellour George, Erll of Wintoun, to do us service in that our kingdome, wee have thocht good to promove him to our Previe Counsall thair; and thairfor it is our pleasour that yee minister unto him the aithe accustomed in the lyke cases, and admit him to enjoy all honouris, dignities, previledges, and immunities whiche ony uther our Previe Counsellour in that our realme hathe be vertew of his place in our

said Previe Counsall. Whiche not doubting bot yee will do, as this salbe your sufficient warrant in that behalf, wee bid yow fairwell. At Whyt-hall, the secound of Aprill 1616."[1] Acta Mar. 1615–Aug. 1617.

The Earl of Perth admitted of the Council.

This day Johne, Earl of Perth, was admitted a member of Council, and took in due form the oath of allegiance and the oath of a Privy Councillor. Follows "his Majesties missive letter for the warrant of the act abonewrittin," in the same words as those of the preceding warrant, *mutatis mutandis*, and with the same date.[2]

Mr Peter Rollok admitted of the Council.

This day the Lords admitted Mr. Peter Rollock of Piltoun to the Council; and he took in due form the oath of allegiance, and the oath of a Privy Councillor:—Follows "his Majesties missive lettir for the warrant," worded almost exactly as in the preceding two, but dated "At Newmarket, the 14 of Aprile 1616."[3] Fol. 26, a.

Undertaking by the Commissioners of the Burghs to return a precise answer to his Majesty's proposition concerning wool manufacture after the meeting of the next General Convention of the Burghs.

"The quhilk day the Commissionaris for the Burrowis particularlie underwrittin,—they ar to say, David Aikinheid and George Foullis for Edinburgh, Constant Malice for Perth, Mr. Alexander Wadderburne for Dundie, the Laird of Dun for Aberdeene, Johne Sheirar for Strivling, Johne Oisburne for Air, James Bell for Glasgow, Thomas Lentrone for St. Androis, Harie Cokburne for Hadingtoun, and Harbert Cuninghame for Dumfreis,—compeirand personallie before the Lordis of Secret Counsall for obedyence of the missive letteris direct unto the saidis burrowis for that effect, and the saidis Lordis haveing proponit unto thame the Kingis Majesties earnest desyre to haif the woll of this kingdome wrocht, drest, and maid in cloth and stuffis heir at home for the honour and credite of the natioun, and how that his Majestie was resolved to mak ane restraint for the transporting of the woll, unles his Majestie wer maid perfytlie to see and understand that suche spedie ordour wes tane as workemen of all sortis wer brocht home in suche nomber and with so lairge a stock as myght mak the countrey woll to be wrocht at home; and the saidis Lordis haveing earnestlie delt and travellit with the saidis commissionaris that the burrowis wald undertak this mater, whilk in end wald undoubtedlie turne to the grite weell of the Burrowis: the saidis commissionaris humblie craved of the saidis Lordis, seing that propositioun wes

[1] This new Councillor is George Seton, 3rd Earl of Winton since July 1609.

[2] This Earl of Perth is John Drummond, the 2nd Earl, who had succeeded his brother James, the 1st Earl, in 1611.

[3] The reappearance of this once familiar Councillor is somewhat of a surprise. It is about thirty years since we began to hear in this Register of Mr. Peter Rollok as titular Bishop of Dunkeld, and a Privy Councillor on that account or on more personal grounds; and it is more than twenty years since we heard of him as conjoining his Privy Councillorship with a judgeship in the Court of Session. In these capacities he has figured through previous volumes of the Register, from Vol. IV. to Vol. VIII. (see the Indexes to these volumes); and not till the reconstitution of the Council and reduction of its numbers by the King in February 1610 (see *ante*, Vol. VIII. pp. xii–xiii) were the services of Mr. Peter discarded. What he had been doing in the interim one hardly knows, save that on the 9th of April 1610, having some time previously lost his seat on the Scottish bench, he had been restored to a nominal place there (see Brunton and Haig's *Senators of the College of Justice*); nor does one know what were the particular reasons for his readmission now to the Privy Council after more than six years of exclusion from it. He must have been by this time an old man.

Acta Mar. 1615–Aug. 1617.

ane mater whilk concernit the haill Burrowis, that the answering thairof micht be continewit to the next generall meeting of the Burrowis in the moneth of Julij now approtcheing; and the saidis Commissionaris promeist to propone this mater to the Burrowis and to returne and report unto the saidis Lordis upoun the first Thurisday efter the dissolveing of the Burrowis ane direct and resolute ansueir from that meiting quhat they wald do in this mater, and quhidder or nocht they will undertak the same; and, gif the Burrowis will embrace the conditionis, that then they sall direct some commissionaris to attend and await upoun the Counsell for perfyting of the conditionis to be aggreit upoun betuixt thame. Whairupoun the saidis Lordis aggreit to the desyre of the saidis Commissionaris in this poynte."

Decreta Mar. 1616–Jan. 1617. Fol. 154, a.

[Sederunt as recorded above.]

Edinburgh, 30th April 1616.

Licence to the magistrates of Dumfries to levy certain duties for the repair of their bridge over the Nith, now greatly decayed.

Petition by the provost and bailies of Drumfreis, as follows:—"The brig of Drumfreis, whiche, as the Lordis knawis, is a verie lairge brig of mony bowis, is now become verie ruynous and decayit bothe in the pendis and putis, the principall pilliaris thairof, quhairin the haill strenth of the brig consistis, being by the force and violence of the watter of Nith so schaikin as now the saidis supplicantis are not able langer to sustene the violence of the said waltir, bot at everie tyme of the ryseing and swelling of the watter, quhilk sometymes will ryse to the heich of the brig, thay daylie looke for the utter overthraw of the said brig; and, gif the same be not beitit, helpit, and repairit in tyme, it will not faill this nixt winter to fall doun, to the grite hurte of the haill cuntrey, and to the hinder of the ordinair passage over the watter of Nith, seing na boit dar go upoun that watter bot in calme and fair weddir, inrespect it hes so swyft and violent a course."—It will be impossible for the supplicants, "and almost to this haill kingdome," to "big up that brig agane, gif it anes fall doun, as God forbid." As the inhabitants of Drumfreis are no longer able to bear the burden of upholding the bridge, the petitioners request the right to exact "a moderat and tollerable dewtie to be tane of suche goodis and geir as pass alangis the said brig." They have the consent of the Burghs to this petition.—The Lords grant to the said provost and bailies for the space of seven years the right to levy the following duties on goods passing over the said bridge, viz.:—each pack of goods, 2s.; each horse, 16d.; each cow, 16d.; each sheep, 2d.; each lamb, 1d.; each pack of skins, 2s.; each "daiker" of hides, 12d.; and also from each bark coming to Drumfries, 13s. 4d.; from each boat laden, 3s. 4d.,—the proceeds to be used for the repair of the bridge, and a yearly account of revenue and expense to be presented to the Commissioners of the Burghs in their General Convention.

Fol. 154, b.

Caption against James Tennent of Lynhouse for debt.

Complaint by Thomas Barbour, assignee constituted by James Gairdin, "litster," burgess of Edinburgh, that James Tennent of Lynhouse remains unrelaxed from a horning of 5th April instant for not paying to him

500 merks of principal and £40 of expenses; also for not paying to pursuer, as assignee for Johne Heislop in Nudrie, 400 merks of principal and £50 of expenses.—Pursuer appearing by Alexander Barbour, his procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta Mar. 1616–Jan. 1617.

Captions against Crichton of Cluny.

Complaint by Waltir, Lord of Blantyre, and George Leslie of Toldauff, that Sir Robert Creichtoun of Cluny, knight, remains unrelaxed from a horning of 24th February 1609, raised at the instance of Thomas Duff, merchant burgess of Perth, "for not causing him bene thankfullie answerit and obeyit of auchtscore auchtene bollis victuall, twa pairt aitt meill and thrid pairt beir, of the mett and measour of Dunkeld," of the year 1607; and also for not causing Donald Reid in Logyrait, Robert Scot there, Johnne Reid there, Malcolme Grayloch there, James Fergusoun, there, David Scot, Robert Reid *alias* Douglas, James Reid *alias* Douglas there, Angus M°Kaw at the Porte of Tullimet, Johnne M°Comes Scheter there, Mr. Johnne Stewart in Grey, Robert Stewart there, and William Stewart there, each for his own share, as mentioned in an obligation granted by James, Earl of Athoill, and the said Sir Robert, as cautioner: also that the said Sir Robert remains unrelaxed from a horning of 24th December 1613 for not paying to pursuers 4200 merks of principal and 400 merks of expenses.—Pursuers appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard as above. Fol. 155, a.

Caption against Sir Robert Forrester.

Complaint by James Sibbald of Rankelour, that Sir Robert Forrester, sometime of Strathenrie, knight, remains unrelaxed from a horning of 1st April for not entering his person in ward within the Tolbooth of Edinburgh for the assault committed on pursuer and pursuer's tenants.—Pursuer appearing by Waltir Hay, his procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 155, b.

Caption against James Frude and others for non-removal.

Complaint by Agnes Ramsay, relict of Thomas Ker of Suderlandhill, and Mr. Johnne Elphinstoun, now her spouse, that James Frude in Lindem, Johnne Walker there, Thomas Smyth there, James Thomesoun there, Robert Wicht there, William Dwn there, Johnne Lefthous and David Fletcheoure there, remain unrelaxed from a horning of 3rd February last for not removing themselves, their families, and goods from the lands of Brigheuch and the "half" lands of Lyndeme.—Pursuer appearing personally, and defenders not appearing, the Lords give order as above. Fol. 156, a.

Caption against the Earl of Tullibardine, Lord Scone, and others, at the instance of Lord Keith.

Complaint by Williame, Lord Keith, that Sir Johnne Home of Coldounknowis, knight, Sir James Home, his son, William, Earl of Tullibardin, and David, Lord of Scone, remain unrelaxed from hornings of 13th, 15th, 19th, 21st, and 23rd March last for not paying to pursuer 82,000 merks together with 6000 merks of expenses.—Pursuer appearing by Andro Plumbar, his procurator, and defenders not appearing, the Fol. 156, b.

Decreta Mar. 1616–Jan. 1617.

Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Caption against Cranstoun of Kirkhill.

Complaint by Robert Cranstoun, armourer, burgess of Edinburgh, that Johnne Cranstoun of Kirkhill remains unrelaxed from a horning of 15th April instant for not relieving pursuer of the cautionary mentioned in the said letters of horning and for not paying £10 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order as above.

Fol. 157, b.

Decreet in the case of Aulay Macaulay, younger of Ardoch, in ward for his offence against the magistrates of Stirling.

Complaint by Aula M°Aula, fiar of Ardoch, as follows (*ante*, p. 460):—Pursuer was detained 33 weeks in the Tolbooth of Striveling until his exhibition before the Council. He has been 8 weeks in the Tolbooth of Edinburgh, and is still a prisoner there. "Wheras the saidis Lordis be thair decrite and sentence hes ordanit that he be nawyse fred of his waird quhill he satisfie the pairtie and toun of Striveling, as with all dew respect and regaird he reverenceis the saidis Lordis thair said decrite and sentence, acknowledgeing him selff bundin in conscience before God and in dewtie to his freind [Johnne Cunynghame] to gif unto him all satisfactioun that lyis in his pouer, so he hes causit deal and travell with him, and thay ar aggreit in termes and conditioun. The said complenair sall most hairtelie and thankfullie performe unto the said Johnne the said conditioun afoir he come oute of this waird; and, although the conditioun be not answerable to the trouble quhilk the said complenaris freind hes sustenit, nor in proportioun aggreable to that quhilk the said complenair most willinglie wald haif done gif thair had bene ony forder possibility and power in him, yitt it is weill knawne that the said complenair hes done moir nor his waik and simple estaite may sustene, he haveing for this occasioun so fer exhaustit and wraiked that small patrimonie and rent left to him be his forbearis that it is impossible for him evir to recover the same, he being now reducit to that extreame pinsche of necessitie that he hes not of his awne to saw the ground this yeir nor yit to interteny him selff in waird. And, tutcheing the toun of Striveling, the said complenair hes maid verie submissive offeris of homage unto thame, for performance quhairof he sall find cautioun at the saidis Lordis sicht, thay haveing no reasoun for thame to seik ony

Fol. 158, a.

forder of the said complenair."—Pursuer appearing personally, and defenders by Johnne Sheirair, burgess of Striveling, who pleads that pursuer should not be liberated till he has refunded the sums which the defenders have been compelled to pay in connection with his insolences in the town, the Lords order pursuer to pay to the provost and bailies of Striveling 100 merks for jailor fees, &c., and to find caution in 300 merks to go on 15th May next to the market cross of the said burgh, and there, in presence of the provost, bailies and council, humbly upon his knees, with "discoverit" head, to confess the offence done to the King and his magistrates, and especially the wrong done to Christopher Alexander, bailie, and to Robert Patirsoun, "litstair," and to be crave their pardon, and to promise never to do the like again.—"The said sowme being payit and caution

fundin," and the agreement with Johnne Cunyghame "being interchangit and deliverit," the Lords order the Magistrates of Edinburgh to liberate pursuer. Decreta Mar. 1616-Jan. 1617.

John Kirkaldy and others against Boswell of Pittedie for suspension of process of lawburrows.

Complaint by Johne Kirkcaldie, burgess of Kinghorne, James and David Boiswell, brothers of the Laird of Balmowto, Johnne Boiswell, Johnne Greig, James Robertsoun, Robert Crystie, George Greig, Alexander Cok, James Persone, Alexander Arnote, James Crystie and James Flemyng, burgesses of Kinghorne, as follows:—They are charged by letters raised by Johnne Boiswell of Pittedie to find caution for his indemnity, the said Johne Kirkaldie, James and David Boiswell, and Johnne Boiswell in £1000 each, and the others in 500 merks each. If they disobey, the said laird will put them to the horn, though wrongously, because "he will not mak faith that he dreidis harme of the saidis complenaris," and "untill he mak faith no cautioun sould be found; and forder the panes abonewrittin are verie extraordinair and grite, fer abone the panes appointit and prescryvit be the act of Parliament maid anent the modificatioun of the panes of lawburrowis." The said Johne Kirkaldy, James, David, and Johnne Boiswell "ar bot mean gentilmen of litle or no frie rent, whose pane be the said act sould not exceid the sowme of fyve hundreth merkis, and sua sould be modifeit unto the sowme of ane hundreth pundis." The others are "bot poore mean men, not valiant in all the most of thame hes fourtie pundis of frie geir, and thairfore thair pane foirsaid aucht to be modifeit to fourtye pundis." For obedience the said persons have found the caution aforesaid.—Johnne Kirkaldie, and James and David Boiswell appearing for pursuers, and Johnne Boiswell of Pittedie being also present, the Lords suspend the process and modify the caution to 100 merks for each of the said persons, except Johnne Kirkaldy, and James and David Boiswell, whose caution is to stand. Fol. 158, b.

Barnard Bartrome, messenger, against Thomas Frasell for assault.

Complaint by Barnard Bartrome, messenger, as follows:—He was employed by Alexander, Earl of Lynlithqu, for executing a summons against the parishioners of Coulter for not paying the teinds of that parish. Pursuer went on a Sunday in November last to the kirk of Culter to serve the same. Thomas Frasell in Catchapell, "in the meantyme of the said complenairis useing of the said summondis at the said kirk," fiercely assaulted him with a drawn sword. Not content therewith, the said Thomas lay in wait for pursuer on 6th April instant between Catchapell and the burgh of Drumfreis, and thereafter committed a cruel assault. Defender has "no particulair aganis the said complenair," except because he had arrested him as a rebel for not paying James Russell in Eistoun of Stobo £100 of principal and 20 merks of expenses.—Pursuer and defender appearing, the Lords assoilzie defender, as complaint is not proven, but order him to find caution in 100 merks for the indemnity of pursuer. Fol. 159, a.

The Earl of Glencairn against James Inglis of Glasgow, one of the tacksmen of customs, for

Complaint by James, Earl of Glencarne, as follows.—Pursuer, having bought 2 puncheons of wine from William Houstoun in Dunbertane in August last, and other two of "cuntrey wyne" from Coline Campbell, burgess of Glasgow, in the same month, gave to the officers of custom a formal note under his hand telling the quantity of the wine, Fol. 160, a.

Decreta Mar. 1616–Jan. 1617.

and stating that the same was for his own house. The said merchants presented the note to James Inglis in Glasgow, one of the customers, who, despite the act of Parliament thereanent, refused to accept the same and exacted the custom. Though the matter is a small one, yet the pursuer brings it before the Council "becaus the preparative thairof may be prejuditiall heirefter."—Pursuer appearing by Mr. Neisbit, his procurator, and defender being also present, the Lords order defender to "allow unto the said persewair the impoist of the wynes abonewrittin.

exacting custom or wine bought by the Earl for the use of his own household, contrary to the privilege of noblemen in such cases.

Fol. 160, b.

Complaint by the King's Advocate as follows:—Johnne Spark in Barrais, David Spark there, Mr. Alexander Lindsay of Canterland, Arthour Stratoun in Mureheid, Andro Stratoun in Grenhillis, Alexander Mylne in Fenistoun, Johnne Gray in Eister Inglismadie, Johnne Mylne in Newlandis, Alexander Heislop in Pitnathie, Alexander Falconer in Balquheiche, Johnne Richard in Caldcoitis, David Gib there, George Barclay in Brigtoun, James Mylne in Cowie, Margaret Walker in Stanehyve, Gilbert Menzeis of Pitfoddlis, William Hutcheoun in Carngrysie, Andro Kemp in Elsik, Alexander Smyth in Mwchallis, Alexander Hay of Logy, Johnne Thomsoun *alias* Wobster in Stanehyve, Robert Schiphird, servitor to the Laird of Layis, Alexander Mylne in Marycouter, Waltir Barclay in Kirktounhill, Waltir Hogstoun in Thenistoun, James Pikeman in Kincairne, James Forfer in Wysmanstoun, Robert Mylne in Eister Inglismaldie, Robert Montgomerie in Haltoun, Agnes Mylne, his spouse, there, William Montgomerie, younger, there, Robert Montgomerie there, Johne Montgomerie there, George Montgomerie there, Robert Chop in Litle Carnbeg, James Edmestoun in Comestoun, and Elizabeth Barclay, his mother, remain at the horn. They

Government prosecution of a number of persons for remaining obstinately at the horn.

Fol. 161, a.

are "so fer frome making ony accompt or of standing in feir for thair rebellioun as most pairt of thame in disdane of law and justice do ly at the horne, quhairas obedience on thair pairt is possible, easie, and facile, and utheris of thame, haveing taikin ordour for satisfactioun of thair creditouris, ar so fer frome freithing thame selffis from that blote of thair formair rebellioun and contempt as thay rather mak choise to ly still at the horne than to procure thame selffis relaxt."—Pursuer appearing personally, and the following defenders also appearing, viz.—Johnne Mylne personally, Mr. Alexander Lindsay by Johnne Foullis, his procurator, George and Waltir Barclay by Johnne Barclay, burgess of Edinburgh, their procurator, Robert Montgomerie of Haltoun and his spouse by Mr. Thomas Gray, their procurator, James Edmestoun and Elizabeth Barclay by Robert Kirkwood, writer, their procurator,—but the remaining defenders not appearing, the Lords continue the case of those who appear, and of Johnne Gray in Eister Inglismadie, Alexander Heislop, and Robert Chop, to the 4th of June next, and order the others who have not appeared to be denounced rebels.

Fol. 161, b.

Complaint by Thomas Drummond of Pitcarne, as follows:—In the matter of the controversy between Rollok of Duncrub and the pursuer, it had been ordered by the Council that both parties should

Drummond of Pitcairn against Rollock of Duncrub.

find caution to keep the peace. Pursuer has found the caution; but, some friends having "delt betuix thame and setled and removit these questionis and differenceis than standing betuix thame," defender has not done the like, so that, while pursuer "standis bundin to him," he (defender) is free. Now, either pursuer should be relieved or he should have the defender's caution.—Pursuer appearing by Mr. Johnne Drummond, his procurator, and defender appearing by Mr. Johnne Rollok, advocate, the Lords order defender to find the necessary caution. Decreta Mar. 1616-Jan. 1617.

William Walwood and others against James Touris of Pitlochie and others for deforcement and assault.

Complaint by Williame Walwood, messenger, James Swyntoun, his servant, and Johnne Dempstertoun *alias* Edward, burgess of Kirkcaldie, as follows:—Henry Montray of Seyfeild, as principal, and William Lillie, burgess of Kirkcaldie, as cautioner, owed the said Johnne Dempsterstoun £200 together with £40 of expenses. They refused to pay, and the said pursuer raised letters of poinding against them and employed the said messenger to execute the same. On 9th April instant he went, with his said servant and some others "his colligis," to the dwellinghouse of the said William Lillie in Kirkaldie, and arrested and "apprysit" two dozen "truncheouris," two dozen plates, and a basin. Thereupon David Hog in Couper, Margaret Reddie, his spouse, George Douglas there, accompanied by James Touris of Pitlochie, Jonet Lillie, his spouse, David Jamesoun in Kirkaldie, Peiris, his spouse, Helene Russell, relict of Alexander Thomesoun, skipper in Bruntiland, Alexander Hay, "cordiner" in Kirkcaldie, Cristine Blyth, his spouse, Thomas Durkie, flesher there, Issobll Peiris, his spouse, William Thomesoun and James Coupair, servitors to William Lillie, flesher there, and others to the number of forty or fifty persons, armed with staffs, &c., came by direction of the said defender and deforced pursuer and his companions. They "schamefullie and unhonnestlie strak and dang thame, harlit thame be the heillis through the gutter and utheris filthie pairtis of the toun, birsit thair bodyis, and hurte and woundit thame in sindrie pairtis thairof," so that at the time of the complaint "the said James Swyntoun lyis yit bedfast." Also, the said messenger having on the 10th instant arrested a brown mare and a black horse belonging to the said defender, and having taken the same to the market cross, James Touris of Pitlochie and William Lillie, with others, to the number of 300 persons, came and took away the said animals. And thereafter the said James went to the dwellinghouse of Edward Bennet in Kirkcaldie, where the said Johne Dempstertoun, was, struck him, and threatened him with a drawn "quhinyeair."—Pursuers appearing personally, and defenders not appearing, the Lords find that Jonet Lillie deforced pursuer by violently taking from him the "geir" which he was carrying to the market cross, and that James Touris assaulted Johnne Dempstertoun "and pullit him be the baird"; and they order them to enter their persons within the Tolbooth of Edinburgh, and to remain there at their own expense till further order be made. The Lords assoilzie the other defenders. Fol. 162, a. Fol. 162, b.

Andro Whyte, keeper of

Complaint by Andro Quhyte, keeper of the Tolbooth of Edinburgh, Fol. 163, a.

Decreta Mar. 1616–Jan. 1617.

as follows:—On 20th March 1615, William Ros, eldest son of the late Thomas Ros, merchant burgess of Edinburgh, was incarcerated by Marioun Hairt, his mother, "off intentioun to detene the said William all his lyftyme in captivetie, thairby to defraud all the said Williamis creditouris. And his said mother, be virtew of ane contract past betuix hir and hir said sone for the sowme of fyve hundreth merkis yeirlie, hes causit the said William renunce his haill heritage, worth fourty thousand merkis, and upoun the samyn furnisis the said William his daylie intertenement in clothing, and paying the said William ten schillingis every day, and will allow the said William no forder;—sua that the said complenair hes ane grite and havie chairge in keiping and detening the said William without ony satisfactioun for his jaylour fie, quha is nawyse ane puir distressit wairdour, bot hes sufficient of his awne to defray his chairge heir within this waird."—Pursuer appearing personally, and defender being also present, and having confessed that "sho out of good will and affectioun to hir said sone gaif to him daylie the sowme of ten schillingis for his intertenyment," the Lords find that she ought to pay the jailor fee owing, and therefore order her to pay to pursuer 4s. daily for the same from 20th March 1615 to this present day, *i.e.* £81, 8s.; but they assoilzie her from payment of the said fee in time coming.

Edinburgh Tolbooth, against Marion Hairt, for jailor fees due by her son, a prisoner in the Tolbooth by her arrangement.

Petition by the nobles, barons, gentlemen and others within the sheriffdom of Elgin and Forres, as follows:—"Upoun occasioun of the commissioun laitlie grantit be the saidis Lordis to the Lord Gordoun for persute of the traytour M^cRannald, he hes causit chairge the saidis supplicantis, be quhat warrand or auctoritie thay knaw not, to accompany him in that service towardis Lochquhaber, ilkane of thame undir the pane of fourty pundis." They are informed that "he intendis to exact this penaltie of thame incaice of thair not going fordwart with him in that service, althocht it be of veritie that in the formair expeditionis maid be the Marques of Huntlie, and the Lord Gordoun, his sone, towardis Lochquhaber aganis Allane M^cEane Dwy the saidis supplicantis nor nane of thame wer nevir troublit nor burdynit with that service, nor in na uther service towardis the Heylandis and Iles, thay being inlandis men, not accustomat with suche kynd of service. And forder the commissioun and proclamatioun grantit be the saidis Lordis to the Lord Gordoun is nawyse extendit to the schirefdome foirsaid, nor thair is no kynd of mentioun of the said schirefdome in it, sua that some personis abuseing the said Lord Gordonis name hes, without ony lauchfull warrand or pouer,—and, thay ar suire, aganis the preuitie, knawledge, or allowance of the said Lord Gordoun,—usit this pretendit chairge aganis the saidis supplicantis, that undir cullour thairof thay may exact of thame some compositionis; quhilk is a mater of a verie bad example." Petitioners crave to be exempted from all concurrence with Lord Gordoun.—The Lords grant the petition, and exoner petitioners from penalties, &c.

Fol. 164, a.

Act in favour of the barons and gentlemen of the shire of Elgin and Forres, exempting them from service in Lochaber under Lord Gordon against MacRanald.

Sederunts. Fol. 132, b.

This day Lord Melvill was admitted of the Council.

Lord Melville.

"The quhilk day the Lord Thir[l]stane wes creat Vicount of Lauder-

New Peerages.

daill, Sir Robert Melvill wes creat Lord Melvill, and the Laird of Kynnaird wes creat Lord Carnegye." Sederunts.

Highways and Roads. "Missives to certane counsallouris anent the hie wayes and passageis, and to reporte upoun the fourte of Junij."

Quarter Seal. "Directioun anent the renewing of the quarter seale."

Francis Stewart. "Missive from his Majestie concerning Frances Steuart."

Same. "Missive to Frances Steuart concerning his Majesteis missive."

King's Tapestry. "Charge aganis those who hes his Majesteis tapestrie."

Fifeshire. "Ane missive to the stewartis of the Steuartrie of Fyffe."

Laird of Lundy. "Ane missive to the Laird of Lundy to be here upoun the 22nd of May nixt."

The *Minute Book of Processes* gives the following memoranda collectively for the month of April 1616:— Minute Book.

Proces: Lord Forbes and his tenant against the Earle of Cathnes for exhibitione of certan broken men his tenentis.

Rebellion: Mathew Baylie against James Kennedy.

Proces of Rapt: Advocatt against William Borthwik.

Ryott and Oppression: Murray of Philiphauch and his tenentis against M^{c}Gill of Cranstoun Riddell.

Ryott: Graham of Drem against Mr. Johne M^{c}Kenye, &c.

Suspension: Laurenc Thomson against James Borie.

Ryott: Laird of Geight against Mr. Patrik, William, &c.

Ryott: Advocat against the Laird of Geight, &c.

Supplication: The noblemen, barronis, &c., within Elgin and Forres to be exeemed fra persute of the tratour M^{c}Ronald.

Supplicatione: Jaylour of Edinburgh against Mareon Hart to pay her sones jaylor fie.

Letteris to find cautione to keip the peace: Laird Pitcairn against Laird of Duncrub.

Proces: Earle of Glencarn against customeris of Glasgow for taking custom for the wyne quhairwith he wes to furnish his hous.

Letteris to be putt to libertie: Aula M^{c}Caula against the Magistratis of Stirling.

Ryott: Bernard Bartrum against Thomas Fraser.

Suspension: Burgh of Kirkaldy against Laird Pittedie.

Rebellion: Robert Cranstoun against Johne Cranstoun.

Rebellion: Lord Keith against Sir Johne Hoom.

Rebellion: Laird of Rankeillour against Sir Robert Fraser.

Rebellion: Agnes Ramsey against James Fuird.

Rebellion: Thomas Barbour against James Tenent.

Rebellion: Lord Blantyre against Sir Robert Crichtoun.

Decreit of rebellion: Thomas Duff against Laird Cluny.

Supplication: Magistratis of Drumfric craving ane impost to repair ther bridg.

Minute Book.

Depositiones in the proces Sinclar against Elphistoun.
Deforcment: William Wardlaw against William Lillie.
Oppression: Johne Ellott against William Armstrang.
Letteris [of] denunciation: Johne Leith against Georg Spence.
Extract of ane act of caution for Thomas and Hew Blakies.
Letteris: Thomas Bruntfeild against William Ker, craving to be putt to liberty.
Ryott: Andro Ker, &c., against William Dalgleish.

Acta Mar. 1615–Aug. 1617. Fol. 26, b.

[Sederunt not recorded.]

Edinburgh, 1st May 1616. Charge to the Earl of Mar and five other noblemen to give account of the royal tapestry and other household stuff in their possession, that the same may be stored in the wardrobe for his Majesty's use on his visit to Scotland next year.

"Forsamekle as, the Kingis Majestie being fullie resolved, God willing, in the nixt approtcheing spring of 1617 to honour this his ancient kingdome with his royall presence, and sua to satisfie the long and earnest wisheis of his goode and loving people to haif the happines to see his Majestie heir, it is thairfore verie necessar and expedient that all his Majesties tapestrie, bedding, and houshold stuff, whilk is now sparpallit and in the posessioun and keiping of divers personis, be collectit and brocht togidder, quhairthrow the same may be most commodiouslie bestowit in his Majesties housis for his Majesties mair contented receptioun: Thairfore the Lordis of Secreit Counsall ordanis letteris to be direct to command and chairge Johne, Erll of Mar, Alexander, Erll of Home, Alexander, Erll of Linlithgow, Johne, Lord Erskeine, Hew, Lord Lawdoun, and James, Lord of Balmerinoche,—haveing (at the least who had) some pairt of his Majesties tapestrie, bedding, and houshold stuff in thair keeping,—to compeir personallie befoir the saidis Lordis upoun the xxij day of Maij nixt, to gif accompt, and to declare upoun thair aithe of veritie, how mekle and quhat sort and peeces of his Majesties tapestrie, moveables, and houshold stuff is or wes in thair custodie and keeping, and accordinglie to heir and sie thame and every one of thame decernit to delyver to the maister of his Majesties wardrop the same tapestrie, bedding, and houshold stuffe, to be keipit in his Majesties wardroip for his Majesties use, or els to shaw a reasonable caus quhy the same sould not be done; and that thay compeir personallie to the effect foirsaid under the pane of rebellioun, &c., with certificatioun, &c."

Edinburgh, 22nd May 1616.

Sederunt—Chancellor; Bishop of Glasgow; Bishop of Caithnes; Lynlytqw; Wyntoun; Abircorne; Lotheane; Bugcleugh; Cranstoun; Burley; Binning; Master of Elphinstoun; Treasurer Depute; Advocate; Medop; Sir Andro Ker; Mr. Peter Rollok of Piltoun.

Act in favour of Sir Alexander Moncreiff bestowing on him for his life certain victual duties

"Forsamekle as, the Kingis Majestie, in consideratioun of the lang service done to his Majestie be his auld servand Sir Alexander Moncreff, being pleasit to assigne and dispone unto him all his Majesties victuall dew to his Heynes yeirlie oute of the bairnis in Fyffe, and now his Majestie being informed that besydes the said victuall dewtie thair is

from the King's lands in Fifeshire.

also a yeirlie dewtie of xlviij ℔. money of this kingdome and certane cayne foullis dew to his Majestie out of the saidis barnis, his Majestie hes lykewayes bene pleasit to bestow the same upoun his said auld servand during his lyftyme, as his Majesties will and pleasour signifiet be write in this mater to the Lordis Commissionaris of his Majesties Rentis bearis : Thairfore the saidis Lordis, according to his Majesties expres will and directioun foirsaid send unto thame for this effect, ordanis and commandis his Majesties Deputie Thesaurair and ressavearis of his Majesties rentis to caus thankfull payment be maid to the said Sir Alexander Moncreiff during his lyftyme of the foirsaid silver dewtie and cayne foullis ; for doing whereof the extract of thir presentis salbe unto the said Deputie Thesaurair and ressavearis of his Majesties rentis ane sufficient warrand." Acta Mar. 1615–Aug. 1617. Fol. 27, a.

Act prohibiting the importation of tobacco into Scotland, or the sale or use thereof within Scotland, under certain penalties : the Act to be printed and proclaimed.

"Forsamekle as the Kingis Excellent Majestie is credibl[i]e informed that the use, or rather abuse, of taking of tabacco is laitlie croppin in within his Hienes kingdome of Scotland, ane weade so infective as all young and ydill personis ar in a maner bewitchet thairwith, the taking wherof being a speciall motive of thair often meitingis in tavernis and alehousis, lascivious spending of thair moneyis, and neglecting of thair other lauchfull affaires,—wherupoun oftentymes hath enshewit quarrellis and debaitis betuix youthes of good birthe and parentage, whiche micht haif engadgeit thair kinsmen and freindis to have enterit in bloode one with another gif the samyn haith not bene wyslie prevented : and to the effect this abuse sall tak no deeper rutting within his Majesties said kingdom, and for preventing of the inconvenientis that may fall out thairupoun, his Majestie doeth by these presentis, for his Hienes, his airis and successoris, straitlie charge, prohibite, and forbid all merchantis, thair factoris and servandis, maisteris of schippes, with thair marineris and sailleris, and all utheris his Hienes subjectis, and all strangeris, allyantis, and forrayneris, and all and everie persone or personis whatsomever, that nather they nor anie of thame at anie tyme heirefter sall presoome or tak upoun hand to import within his said kingdome, utter, or putt to seall, or caus to be imported, utterit, or put to seall, the said hearb or weade of tobacco, under the pane of forfaltour and esheiting of all the said tobacco so to be imbrocht, uttered, or put to seall within the said kingdome contrair the trew meaning of this his Hieghnes act and statute—the one half thairof to his Majesties use, and the uther half to the use of the personis whatsumever that sall apprehend and sease upoun the samyne, whiche half his Majestie doeth by these presentis give and grant unto thame. And forder his Majestie doeth by these presentes, for him, his aires and successoris, give and grant full power and auctoritie to his Heynes customeris or shearcheouris at the portis where ony schippis or uther veshellis salhappin to arryve within his Heynes said kingdome to pas, searche, and seik quhair ony of the said tobacco so to be imbrocht within his Heynes said kingdome sall or may be found, and, gif they or ony of thame sall find ony suche tobacco,

Acta Mar. 1615–Jan. 1617.

that then it sall and may be lawfull for thame to seaze upoun the samyne, intromet thairwith, tak and carry the samyne away in our Soverane Lord his name, and, efter suche seasure and carryeing away haid and maid, the samyne and everie pairt thairof to keepe and reteine to the propper use of the said customer or searcheour, they answering and making payment and deliverance to our Soverane Lord, his

Fol. 27, b.

Heighnes airis and successoris, of the onlie just half of the foirsaidis forfaltouris or the values thairof, and making compt thairof yeirlie in his Hieghnes Exchecker of the said kingdome. And, to the effect that none of his Majesties subjectis of his said kingdome pretend ignorance heirof, his Heighnes ordanis this present act and statute to be imprinted, and ordanis letteris to be direct heirupoun for publick proclamatioun and intimatioun to be maid heirof at the mercat crocies of the head burrowis of his said kingdome and uther places neidfull."[1]

Act empowering the Master of the Works to make certain demolitions and repairs in the palaces of Holyrood, Stirling, and Falkirk, against his Majesty's arrival in Scotland next spring.

"Forsamekle as, the Kingis Majestie haveing resolvit to honour this his ancient kingdome with his royall presence, God willing, in the beginning of the next spring of 1617, it is verie necessar and expedient for his Majesties contented receptioun that his Majesties paliceis of Halirudhous and Falkland and the Castell of Strivling be repairit and all defectis thairin mendit,—thairfore the Lordis of Secret Counsall gevis commissioun and warrand be thir presentis to James Murray, Maister of his Majesties Workis, to tak doun the haill rooffe and thake of the ludgeing abone the utter yett callit the Chancellaries Ludging, with sa meikle of the stane worke as is requisite, and to caus the same to be buildit up and perfyte of new; and to tak doun to the ground the chalmer within the Pallace of Halirudehous callit the Maister Stewartis chalmer, and on nawayes to build up the same agane, inrespect of the deformitie and disproportioun that it hes with the rest of the building thair; and to tak doun the chalmer and garlie in Halyrudhouse callit Sir Roger Ashtonis chalmer, and to build up the same of new in a convenient forme; and to tak doun the kitcheing in Halirudhous, callit Chancellair Maitlandis kitcheing, in the end of the transe callit the Dukis transe, bothe in the rooffe, jeistis, and walles, so far as is necessar, and to builde up the same of new; and to tak doun the toofalles in the baikehous yairde of Halyrudhous, and the haill dykis of the bakehous yairde, and not to big up the same agane, sua that of the yairde ane perfyte cloise maybe maid; and to tak doun the auld entree in the Castell of Strivling betuix the utter yett and inner yett, with the litle rowme on ether syde of the said entrie, and to bestow and imploy the staines and otheris materiallis thair-

[1] There can be no doubt that this Act for the total suppression of tobacco-smoking throughout Scotland emanated from King James himself. Tobacco was one of his detestations; and his famous *Counterblaste to Tobacco*,—denouncing the herb in all its forms, and speaking of Raleigh (then in the Tower), who was credited with the introduction of the herb into England, as a man "generally hated,"—was printed in the collection of the King's writings which appeared this very year, 1616, under the editorship of Montague, Bishop of Winchester. It had doubtless been written earlier.

of on some otheris workis within the castle; and to tak doun the haill rooffe and thake of the Kingis kitchin in the said Castle, with samekle of the stane worke thairof as salbe requisite, and to builde up the same of new; and to tak doun the court kitcheing bewest the Kingis kitcheing, and the baikhous and pantrie, within the said Castell, and to build up the same of new; and to tak doun the thake of the toure abone the inner yett, and to thake it of new agane; and to tak doun the haill thake and rooffis of the King and Quenis galleries in Falkland, and to help the stane worke thairof, and big ane barteseene about thame, and theik thame with lead; and to tak doun the haill thake and samekle of the rooff as is falteis of the haill ludgeing of Falkland, and to streke out duris and wondois, and to repair, help, and reforme the same as he sall think meet, and to thake the same of new yf neid beis. For doing quhairof thir presentis salbe unto the said Maister of Worke ane warrand." Acta Mar. 1615-Jan. 1617. Fol. 28, a.

His Majesty's answer to a petition from Francis Stewart, son of the late forfeited Earl of Bothwell, for a restitution to him of the Abbacy of Kelso: answer intimated to the petitioner, and to be recorded.

"The quhilk day, Frances Stewart, sone to the laite Erll Bothuill, compeirand personallie before the Lordis of Secret Counsall, conforme to thair missive lettir writtin to him for that effect, the saidis Lordis intimate unto him, and causit reid in his audience, the lettir and answer returnit from his Majestie to the petitioun quhilk the said Frances gaif in to the saidis Lordis, and by thame was send up, with ane lettir of thair awne, to his Majestie. Quhilk lettir and ansuer being hard be the said Frances, he with all dew reverence acquiescit and restit content with his Majesties will and pleasour.—Followis his Majesties missive lettir concerning this mater:—Richt trustie and welbeloved cusingis and counselloris, and trustie and welbeloved counselloris, wee greet yow well.—Be your letter and the report maid be our Chancellair and Secretair of that our kingdome, wee understand that Francis Stewart, eldest sone of the sometymes Erll Bothuell, did be his petitioun informe yow that wee had directed him, when he had ony mater to signifie to us, that he sould first mak it knawne to yow, willing yow to adverteis us thairof, and that he, following (as he affirmed) that our directioun, desyred yow to adverteis us that, divers yeiris before his fatheris treasonis and forfaltour, we had, upoun the resignatioun and dimissioun of the Abbay and benefice of Kelso be the Lord Thirlestane, then Chancellair of Scotland, titular thairof, granted the said Abbay to the said Frances, and lauchfullie provydit him thairto, be vertew quhairof he had apprehen[dit] and reteined peacebill possessioun of the same quhill his fatheris forfaltour and act of our Parliament disabling his children and posteritie,—at whiche tyme Williame Ker, sone to the Lord Roxburgh, had obteined our gift of that abbacie, and be vertew thairof ever since posessed the same. In consideratioun of whiche rightis and provisionis pretended be the said Frances, and that he, being then ane pupill, wer not partakeris of his fatheris cryme[is], he desyris our grace and favour and restitutioun to rehabilitate and . . . . him to persew be law for his recoverie of his afoirsaid righte to that [le]ving. In whiche narratioun he hes mistaken and misreported our directioun,—whiche

Acta Mar. 1615–Aug. 1617.

wes that, when he had ony desyre to have our permissioun for accesse to our presence, he sould first declare to yow his desyre and the trew [and] speciall causes of his intended jornay; quhairof wee being adver-

Fol. 28, b.

tised be yow, wee micht returne our pleasour anent the permissioun or prohibitioun of his jornay. Bot, that yee may cleirlie understand our meaning and mak it directlie knawin to him, wee ar persuaded that treasonis ar so haynous and dangerous for princes and estaites that no too grite severitie can be used for punishment of these who committis thame, and for diverting of utheris from committing the lyke. So as, the feare of one manis owne lyfe (whiche everie capitall cryme bringis in als grite danger as the committing of treasoun) being no dew restraint of desperate personis from attemptis of that kynd, the wysest lawmakeris in the world hes thocht that ane manis love to his posteritie and cair of thair saftie from infamie and perpetuall miserie wald recall him from many desperate actionis whiche the feare of his owne lyfe wald not imped him to attempt. And thairof proceidis the wisdome and equitie of lawes disabling the posteritie of traitouris. Conforme to whiche, wee, for many faithfull and gude services done to us be the Lord Roxburghe aganis the traitour Bothuell, haveing disposed to his sone the Abbay of Kelso as the onlie recompens of his goode deserving, wee hold our selffis obleised in conscience and honour to meanteane to him our said gift and mak it valide and effectuall everie way. And thairfor it is our pleasour that ye send for Frances Stewart, and that yow planelie declare to him that wee ar resolved never to acknawledge ony righte of that kynd whiche he pretendis, or to grant ony grace, favour, or dispensatioun from the lawes standing aganis his father, being so justlie forfalted, or for the disabling of his posteritie, to the prejudice of these who, haveing faithfullie served us aganis his father, have had from us deserved recompence of his or his childrenis levingis. Bot, gif the said Frances, acknawledging the invaliditie of his right, have recours to our onlie grace and favour, [and] sall absolutlie submit all right, title, interest and possessioun, kyndnes and clame whatsomevir, whiche he can in ony sort have, alledge, or pretend to ony landes, benefices, possessionis or utheris belonging to his father or himself before his fatheris forfaltour, to be considered of, judged, and disposed upoun be us absolutlie and irrevocabl[i]e as wee sall find most reasonable and expedient, wee will then call him and these whome wee haif recompensed with ony of his fatheris or his awne estaite before us, and, efter dew consideratioun of thair right and goode services, and compassioun of his hard and distressed estaite, tak suche cours in thair bussynes as in our judgement sall appeir most equitable for the future goode and quietnes of all the pairties. So, wishing that yow may record this letter as ane cleir and direct declaratioun of our unchangeable purpos in this mater for the pairties resolutioun and your awne, wee bid yow hairtlie fairwell. From our Courte at Whytehall, the 23rd of Marche 1616."

Fol. 29, a.

"Forsamekle as it is understand to the Kingis Majestie and Lordis

Act for the pursuit and

arrest of fugitive criminals from Ireland, and their delivery to the order of the Lord Deputy of Ireland: the Act to take effect when there is a reciprocal Act by the Council of Ireland for the arrest and delivery of Scottish criminals fugitive in Ireland.

of Secreit Counsall that divers personis of the kingdome of Irland, guyltie of heynous and capitall crymes, doeth ordinarlie, for eschewing of tryall and punishement, withdraw thame selffis furth of the said kingdome, and comes to this cuntrey, quhair they ar ressett, hurdit, and enterteynit as gif they war lauchfull subjectis, quhairby not onlie do they impetrate impunitie for thair wicked deidis, and his Majesties goode subjectis ar depryvit of all meanes and possibilities of redres of ther harmes, quhilk by course of justice they wald gett yf the saidis fugitive lymmaris remainit in the countrey, bot with that [a] nomber of euill disposit personis, presoomeing of impunitie upoun houp of thair ressett in this countrey, takis the baldnes and ar encouraget to commit all kynd of wickednes, heichlie to his Majesties offence and to the hurte of his Majesties goode subjectis: For remeid quhairof the saidis Lordis, with the Kingis Majesties expres allowance and warrand, statutis and ordanis that, gif ony personis of the kingdome of Irland fugitive for murther, thift, or otheris heynous crymes sall come in this cuntrey and be ressett heir, that, upoun advertisement to be send thairof to the saidis Lordis from the Lord Deputie or Counsall of Irland, diligent searche salbe maid for the saidis fugitive personis, and, being apprehendit, he or they salbe delyverit to suche personis as the said Lord Deputie sall appoint to ressave thame. And the saidis Lordis ordanis that this present act sall nawayes stand in force quhill ane act be maid in the Counsall of Irland to the lyke intent and purpois.—Follows his Majesties missive letter concerning this mater.—Right trustie and right welbeloved cosens and counsellouris, and right trustie and welbeloved counsellouris, wee greet yow well.—Whereas divers personis fugitive out of that our kingdome for murthour, thift, and other heynous crymes, have thair ordinar receipte in our kingdome of Irland, wee wer pleasit to give directioun to our Counsall of the said kingdome that, whensoever they sould be yow be advertised of any suche fugitive, they sould caus diligent searche be maid for him, and, being apprehended, deliver him to any haveing commissioun from yow to ressave him,—whiche our directioun these of our said Counsell have promised to obey. For whiche thair reddines to obey our pleasour in this poynte, wee think it verie fitt that they haif ane meeting from yow, and that yee, upoun advertisement from thame, sall lykewayes cause, searche, and apprehend suche as salbe fugitive oute of our said kingdome, and deliver thame to suche as the[y] sall appointe to ressave thame. Moreover, becaus it is become almost ordinarie to transporte goodes stollen oute of that our kingdome into our said kingdome of Irland, wee have thoght good to require yow to advise of the best meanes for preventing and suppressing of the said inconvenient in tyme comeing. Wherein willing yow to use the advise of our Chancellair and Secretair at thair returne (to whome wee have imparted our mynd at large in the said bussynes), wee bid yow fairwell. From our Courte at Whytehall, 23rd Marche 1616." Acta Mar. 1615–Aug. 1617. Fol. 29, b.

Charge to the Master of

The Lords, having heard of trouble between Alexander, Master of

Acta Mar. 1615-Aug. 1617.

Elphinstoun, and Sir Andro Rolloke of Duncrub, order them to appear on 18th June next, and meantime to keep the peace under pain of 5000 merks each. Elphinston and the Laird of Duncrub.

This day, in accordance with an Act of Council anent the King's tapestry, &c. (*ante*, p. 514), there appeared personally Alexander, Earl of Lynlythqw, Hew, Lord of Lowdoun, and James, Lord of Balmerinoche,— Alexander, Earl of Home, appearing by Johne Cranstoun, and Alexander, Earl of Dumfermling, Lord High Chancellor, being personally present. Declarations by the Earl of Dunfermline, the Earl of Linlithgow, the Earl of Home, and Lords Loudoun and Balmerino, as to the amount of royal tapestry, &c. in their possession respectively.

"And, they being all particularlie demandit yf they had onie of his Majesties tapestrie, moveables, or houshold stuff in thair keiping, the said

Fol. 30, a.

Alexander, Erll of Dumfermling, granted and confessit that thair was in his possessioun in Dumfermling ten peecies of auld and worne tapestrie of the storie of Æneas, the storie of Troy, and of the storie of Mankynd, and denyit the haveing of any farther of his Majestie's tapestrie, bedding, or houshold stuff. The said Alexander, Erll of Lynlythqw, grantit and confessit that he had one peice of tapestrie and ane old sheare, and that the tapestrie was cuttit through be umquhile Andro Cokburne, foole; and declared that the tapestrie that was in Lynlythqw was brocht oute of Strivling, quhen the laite Prince Henry, of famous memorie, come to Lynlthqw for hinging of his chalmer, and that the same tapestrie was send fra Lynlythqw to Halyrudhous to the laite Erll of Montrois, Chancellair for the tyme; and declarit that during the haill tyme that the Lady Elizabeth was in Lynlytqw hir chalmer was nevir hung with the Kingis tapestrie, bot with the deponaris awne. And the said Johne Cranstoun grantit and confessit that the said Erll of Home had foure peices of his Majesties tapestrie, whilkis, as he alledget, his Majestie gaif unto him for twa hunting horsis. The saidis Lordis of Lawdoun and Balmerinoche denyit the haveing of ony of his Majesties tapestrie, moveables, or houshold stuff; and the said Lord Lawdoun declarit that, yf the laite Dutches of Lennox, his sister, had ony of his Majesties tapestrie, moveables, or houshold stuff, that Mr. Andro Dalrumpill, sometymes hir servand, who wes attending at the dure, could declare what become of it. And the said Mr. Andro, being callit, and compeirand

Fol. 30, b.

personallie, and being examinat upoun his grite aithe concerning this mater, deponit and declarit that thair was ane chalmer within the dungeon of the Castell of Glasgow hung with tapestrie and that thair was ane silk bed in the castle, that the laite Dutches of Lennox at hir last removeing from Glasgow kept all hir moveables and houshold stuff within the castle, and that the Archibishope of St. Androis, then Bishope of Glasgow, and James Stewart in Glasgow, mellit with the said castell and all that was within it be directioun from the Duke of Lennox. Upoun the quhilk confessioun and declaratioun maid be the personis foirsaidis, Sir Williame Oliphant of Newtoun, knicht, his Majesties Advocat, asked instrumentis."

"The Lordis of Secreit Counsall nominatis and appointis Johne, Archibishope of Sanctandrois, James, Archibishope of Glasgow, Williame, Bishope of Galloway, and Alexander, Bishope of Caithnes, or ony tua of Commission to the Archbishops of St. Andrews and

Glasgow, and the Bishops of Galloway and Caithness, to examine a book entitled "God and the King," and report on its fitness for publication.

thame, to sight, examine, and considder the booke intituled "God and the King," and yf the same be worthie to be teichit and published in this kingdome; and that they report to the saidis Lordis the nixt Counsall day thair opinioun and advise thairanent; and ordanis thame, or ony tua of thame, with his Majesties Advocat and Mr. Peter Rollok in Piltoun, to convene with Mr. James Prymrois, who hes his Majesties patent of prenting and selling of the said booke, and to confer with him anent the forme and maner how he will follow oute that bussynes."[1] Acta Mar. 1615–Aug. 1617.

Edinburgh, 22nd May 1616.

[Sederunt as recorded above, with omission of Mr. Peter Rollok of Piltoun.] Decreta Mar. 1616-Jan. 1617. Fol. 164, b.

Caption against Hering of Lethintie and Scrymgeour of Fardell.

Complaint by Williame, Erll of Tullibardin, Lord Murray, and James Skene, writer, that Sir David Hering of Lethintie and James Skrymgeour of Fardill remain unrelaxed from a horning of 7th July last for not paying the maills and other duties of the lands and barony of Lochwood and Forest of Cluny, or else their value, in equal shares.—Pursuers appearing by Archibald Douglas, macer, and defenders not appearing, the Lords order caption against defenders.

Caption against Abernethy of Glencorse.

Complaint by George Abirnethie, advocate, that Andro Abirnethie in Glencors remains unrelaxed from a horning of 23rd November 1611 for not finding caution for the indemnity of pursuer, his family and servants, in 1000 merks, and also from a horning of 27th November 1611 for not removing from the lands of Glencors.—Pursuer appearing by Alexander Yule, and defender not appearing, the Lords order as above.

[1] Although this book was once famous, and copies of it (as will appear from subsequent entries relating to it at pp. 530–1 and pp. 534–8) must have at one time been in circulation in scores in England, Ireland, and Scotland, it is difficult now to find a copy anywhere. It was a small volume, and appeared first in London in 1615, in two editions, one Latin and one English. The Latin edition consisted of 88 pages, with this title: "*Deus et Rex: sive Dialogus quo demonstratur Serenissimum D. nostrum Jacobum Regem, immediatè sub Deo constitutum in Regnis suis, justissimè sibi vendicare quicquid in Juramento Fidelitatis requiritur. Londini, Excusum cum speciali Regiæ Majestatis privilegio et mandato.*" The title of the tinier English edition was an exact translation of the same, as follows:—"*God and the King: or a Dialogue shewing that our Soveraigne Lord King James, being immediate under God within his Dominions, doth rightfully claime whatsoever is required by the Oath of Allegeance. London, Imprinted by his Majesties speciall priviledge and command.*" The dialogue is between an imaginary "Theodidactus" and an imaginary "Philalethes;" and the doctrine inculcated is that of the absolute supremacy of the King in all ecclesiastical, as well as in all civil, matters. This is argued, in a dull manner, and without any real ability, not only against the Papal claims, but also against any claim of spiritual independence by the English clergy.—On the title-page of the only Latin copy in the British Museum, and also on that of an English copy there, is this MS. note in a modern hand—"*By Dr. Mockett, as Dr. Twiss says*"; from which I infer that the tradition had come down that the anonymous author of the book was the Dr. Richard Mokett, Warden of All Souls', Oxford, domestic chaplain to Archbishop Abbot, &c., of whom there is some account in Wood's *Ath. Oxon.*, ii. 232. Wood does not refer to "God and the King" as Mokett's; but he mentions several other writings of his, one of which, published apparently in 1618, gave such offence to the English clergy, by impugning their independent right of ecclesiastical legislation and jurisdiction, that they had it publicly burnt. He died in July 1618,—of grief, it was thought, for this disgrace.—There was a republication of the book, it may be added, in 1663, by the "special priviledge and command" of Charles II.

Decreta Mar. 1616–Jan. 1617.

Fol. 165, a.

Caption against Thomas Andrew, at the instance of Andrew Lauder.

Complaint by Andro Lawder in Meluill Mylne that Thomas Andro at Poltoun Mylne remains unrelaxed from a horning of 20th January last for not relieving pursuer of his cautionary "quhairin he became bundin and obleist as ane of the cautionairis with and for Richard Abircrombie of Poltoun" for payment to Patrik Welsche, merchant burgess of Edinburgh, of 1000 merks of principal and £100 of expenses; and for not paying to pursuer £100 of expenses "by and attour" the preceding.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 165, b.

Harry Purves, surgeon, against Adam Finlayson for assault.

Complaint by Harie Purves, surgeon in the Cannogait, as follows:—Adam Finlasoun, merchant burgess of Edinburgh, who has a deadly hatred of pursuer, went on 7th May instant, when he was "overcome with excesse of drink," to pursuer's "awne dure and buith in the Cannogait," and attacked him. He "towked him on the breist, and so feirslie come upoun the said complenair to have strukkine him that, the said complenair haveing eschewit him, he fell him selff to the ground." Not content therewith, pursuer, and Johnne Richardsoun, who had a dagger in his pocket, and others who were armed, went at two o'clock in the afternoon to the said house, and walked up and down in front of the same till 7 o'clock at night, waiting for pursuer to come out.—Pursuer appearing personally, and the said Adame being also present, the Lords assoilzie defender, as the charges are not proven.

Order for the trial of Mathew King, accused of the slaughter of Alexander Anderson.

Fol. 166, a.

Complaint by Marioun Crawfurd, relict, Johnne and David Anderson, children, and the "remanent kin," of the late Alexander Andirsoun, miller at Machernok Mylne, as follows:—In February last, Mathew King and his accomplices, having slain Alexander Andirsoun, were apprehended, and were presented to [Hew], Lord Semple, Sheriff Principal of Renfrew, for trial (*ante*, p. 482). A day in April last was appointed for the trial, and warning was sent to a number of "assysouris best knawing the veritie." When all were ready on the said day, the sheriff and his depute "being of purpois and resolutioun, as the saidis complenairis are informit, to haif the said Mathew King clengeit and fred of the said cyrme, thay for this effect not onlie repellit the haill assyssouris producit in this mater, bot also desertit the said court, and intendis, be ane led assyse of suche personis as thay sall mak speciall choise of at sic tyme as thay sall think convenient, to affix and hold ane pretendit justice courte."—Pursuers appearing by William Andirsoun, and defenders appearing by Mr. Mathew Crawfurd, their procurator, who has exhibited the said Mathew King, the Lords order the said Mathew King to be committed to the Tolbooth, and to remain there at his own expense until his trial; which is appointed to be held before his Majesty's Justice and deputies in the Tolbooth on 7th June next.

Fol. 166, b.

Arrest of process against the Earl of Errol.

Protest by Waltir Hay, servitor to Mr. Robert Leirmonth, advocate, in name of Frances, Earl of Erroll, as follows:—Johnne Dow in Preistoun and his friends had raised letters against the Earl to appear

this day and exhibit David Fergusoun, baron of Muling, and Johnne Bell in Glennalmond, who were at the horn for the murder of William Dow, younger, in Preistoun, brother of the said Johnne, and who were alleged to be tenants of the said Earl.—The said Johnne Dow and his friends not appearing, and the said Waltir Hay being present and ready to answer the said letters, the Lords stay the process against the Earl. Decreta Mar. 1616–Jan. 1617.

Mr. John Edmestoun against John Barbour and George Newton for forging a document.

Complaint by Mr. Johnne Edmestoun of Natoun, as follows:—Johnne Barbour, vicar of Natoun, has lately, by the advice and concurrence of George Newtoun, messenger, forged a precept of the commissaries of Edinburgh, and the seal and signet of the commissariat, together with the signature of Mr. Edward Marschell, commissary clerk. The said messenger by means of the same charged pursuer to pay the vicarage teinds to the said Johnne Barbour. No great harm has been done to pursuer; but the example is very dangerous.—Pursuer appearing by Robert Hammiltoun, his procurator, and defenders not appearing, the Lords order defenders to be denounced rebels. Fol. 167, a.

Thomas Young and his son against Harry Greig and his sons for assault.

Complaint by Thomas Young in Fongorth, and William Young, his natural son, as follows:—On a day in April last, while the said William was upon his father's lands of Fongorth, George Vallentyne, servitor to Harie Greig of the Hauch of Fongorth, and James Creichtoun, son of Thomas Creichtoun of Hotrik, with others, all armed, came by direction of the said Harie and attacked pursuer "with drawne durkis, grite stingis, and rungis," and left him for dead. Moreover the said persons, having heard that the said Thomas Young was to repair that day from Dunkeld to his house in Fongorth, lay in wait with the said Harie and his sons, Johnne and David Greig, and attacked him with swords, halberts, and dirks, wounding him severely in the head, neck, and elsewhere.—Thomas Young appearing for himself and his son, and defenders not appearing, the Lords find the said Harie Greig guilty of the second assault, and order him to enter his person in ward within the Tolbooth; and they assoilzie the other defenders. Fol. 167, b.

Commission for the trial of Agnes Morton for poisoning Margaret Davidson.

Commission under the Signet, signed by the Chancellor, Linlithgow, Ja:, Bishop of Glasgow, Abercorne, and Lothiane, to Bosuall of Balmuto, Murray of Balvard, and Sir James Weymis of Bogie, to try Agnes Mortoun, servant to Robert , in Freirtoun, suspected of poisoning the late Margaret Davidsone, daughter of Thomas Davidsone in the Cottoun of Freirtoun. Prisoner was examined by the minister and some of the elders of the parish of Fergund, "who delt so powerfullie with hir that in end scho came to ane clear confessioun of the cryme,—as a record of the depositioun, under the hand of the said minister and eldaris, shawne to the Lordis of Secreit Counsall, beiris." Commissions. Fol. 234, b.

Gideon Weir.

"Chargeis aganis Gedeone Weir to compeir befoir the Counsell." Sederunts. Fol. 133, a.

Traffic between Scotland and England.

"The missive and overtouris send down from his Majestie anent his Majesteis subjectis trafficquaris betuix Scotland and England delyverit to the Provest of Edinburgh, to the effect the Counsaill of Edinburgh may

Sederunts. be advisit thairwith and reporte thair answer thairanent to the Counsaill upoun the fourt of Junij now approtcheing."

"Ane patent ordanit to be past to Archibald Prymrois of the copper and leade mynes in Ila, Mull, Sky, and Lewis." Mines in Islay, &c.

"Missive to be writtin to the Lord Sanquhair, and William Creichtoun, base sone to the lait Lord Sanquhair, and his curatoris, to be heir the xvij of Junij." Lord Sanquhar.

Acta Mar. 1615–Aug. 1617. Fol. 30, b.

[Sederunt not recorded.] Edinburgh, 24th May 1616.

The Lords, having heard that challenges have passed between Glendoning of Partoun and Glendoning of Drumrasche, order both parties to appear before them on next. Charge to Glendoning of Parton and Glendoning of Drumrash.

Sederunts. Fol. 168, b.

Sederunt — Orknay; Bugcleugh; Binning; Treasurer Depute; Advocate. Edinburgh, 28th May 1616.

"The quhilk [day], the Laird of Lundie being desirit and delt with to accept upoun him ane commissioun of lieutennandrie over the West Yllis during the absence of the Erll of Ergyle, his bruther, he planelie refuisit to accept ony suche commissioun." Laird of Lundie refuses Lieutenancy over the West Isles.

Acta Mar. 1615–Aug. 1617. Fol. 30, b.

Sederunt—Chancellor; Bishop of Glasgow; Wyntoun; Lynlythqw; Binning; Burley; Master of Elphinstoun; President; Treasurer Depute; Justice Clerk; Advocate; Kylsythe; Medop; Sir Andro Ker; Mr. Peter Rollok of Piltoun. Edinburgh, 4th June 1616.

Fol. 31, a.

As the Lords understand "that the assurances quhilkis wer past betuix Harie Wood of Bonnytoun and Frances Ogilvie of Newgrange ar now almost expyrit and outerun, albeit the variance and contraversie standing betuix thame yitt remaines unremovit or tane away, quhairthrow thair is some appeirance of trouble and unquietnes lyke to fall oute betuix thame," there is order to charge both the parties to appear before the Council "upoun the day of June nixttocome." In the meantime both parties are to keep the peace, under the pain of 3000 merks each. Charge to Harry Wood of Bonnington and Francis Ogilvie of New Grange.

Decreta Mar. 1616–Jan. 1617. Fol. 168, a.

[Sederunt as recorded above.] Edinburgh, 4th June 1616.

Complaint by Elspeth Lindsay, "oy" to Archibald Miller in Kirktoun of Dougles, daughter of the late Johnne Lindsay in Corsrig, and Bessie Miller, his spouse, assignee constituted by the said Archibald, that Johnne Jerdane of Apilgirth, son and heir of the late Sir Alexander Jerdane of Apilgirth, knight, remains unrelaxed from a horning of 15th February last for not paying 1760 merks of principal and £300 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Caption against Jardine of Applegarth for debt.

Caption against Hew Maxwell of Teling for debt.

Complaint by Thomas Sinclair of Ewinstoun, that Hew Maxwell, fiar of Teling, remains unrelaxed from a horning of 5th January for not paying 200 merks of principal, and 20 merks yearly for annual rent from Whitsunday 1600 to Whitsunday 1615, together with £10 of expenses for registration, and 40s. "for ilk chairge."—Pursuer appearing by Alexander Sinclair, his procurator, and defender not appearing, the Lords give order as above. Decreta Mar. 1616–Jan. 1617. Fol. 168, b.

Caption against Paul Doig for debt.

Complaint by James Lennox of Wodheid that Paull Dog of Coldoch, cautioner for Sir James Cunynghame of Glengarnok, knight, remains unrelaxed from a horning of 17th February 1615 for not paying 4000 merks of principal and 200 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 169, b.

Harry Greig and his sons against Thomas and William Young for suspension of order of imprisonment.

Complaint by Harie Greig of the Hauch of Fongorth, and his sons Johnne and David Greig, that they have been wrongously ordered by the Lords, at the instance of Thomas Young in Fongorthe, and William Young, his natural son, to enter their persons in the Tolbooth for an alleged assault [*ante*, p. 524], because the matter in dispute "wes in termes submittit to freindis, and, thay resting assuired that the saidis personis wald have abiddin the determinatioun of freindis at home, and onnawyse wald have tane ony advantage of the saidis complenaris, thay compeirit not before the saidis Lordis." Nevertheless they had found caution in 300 merks each to appear to day. Therefore the said letters should be suspended.—Pursuers appearing personally, and defenders not appearing, the Lords grant the suspension.

George Gordon against Alexander Gillan for suspension of horning.

Complaint by George Gordoun in Coutfauld that he has been put to the horn wrongously, at the instance of Alexander Gillane in Coutfauld, for not appearing to answer a charge of assault. Complainer was never lawfully charged to appear; but, for obedience, he had found caution in 500 merks to appear to day, and he has promised to pay £20 for his escheat goods to the Treasurer Depute.—Pursuer appearing, and defender not appearing, the Lords stay the process of horning. Fol. 170, a.

John Maxwell's offers of satisfaction for the slaughter of John M^{c}Naucht.

Complaint by Johnne Maxwell, son of the late Alexander Maxwell of Logane, as follows:—"For that unhappie accident quhilk fell out in his persone be the slauchter of umquhill Johnne M^{c}Nacht of Kilquhennadie the said complenair hes maid most submissive offeris to the sone of the said umquhill Johnne, and to Johnne M^{c}Nacht, burges of Edinburgh, his tutour; quhilkis offeris thay refuise to accept and ressave. And, wheras it hes pleasit his Majestie most gratiouslie to grant to the said complenair his Heynes respet for the said slauchter, he is most desyrous to be reconsiliat with the pairtie and to gif unto thame suche satisfactioun as lyis in his pouer."—Pursuer appearing personally, and having produced his offers made to the defender, wherein he stated on oath that the slaughter was committed suddenly and not by forethought, and offered 600 merks and what further satisfaction he could possibly Fol. 170, b.

Decreta Mar. 1616–Jan. 1617.

make, and defender also appearing, and having refused these terms, because the principal party was a child not past the age of four years, the Lords find that "the said Johnne M°Nacht can nawyse be burdynit to accept the offeris foirsaidis, nor to entir in ony conditioun anent this mater."

Fol. 171, a.

Government prosecution of a number of fleshers for illegal slaughter and sale of lambs.

Complaint by the King's Advocate, as follows:—Despite the prohibition of the slaughter of lambs during this year, nevertheless Johnne Dynmure, Johnne Kersell, Michaell Adinstoun, Johnne Adamsoun, Alexander Adamsoun, "callit the Cow," Alexander Adamsoun, "callit the Cuke," Robert Drysdaill, Andro Corstoun, Thomas Corstoun, Johnne Lillie, Patrik Con, Adam Neilsoun, George Denmure, Robert Kennoch, George Robesoun, Johnne Gray, Robert Dalgleische, Thomas Hall, Johnne Lowrie, William Ur, Andro Weir, all fleshers, indwellers in Edinburgh and the Cannogait, Robert Peirsoun, flesher in the Cannogait, Robert M°Coull there, William Trinsche there, James Sched, flesher in Leyth, James Donaldsoun there, James and Johnne Lacok there, William Fynlasoun, servitor to Thomas Merkinstoun there, Robert Pyot, servitor to Katherine Coutis there, and Thomas Porteous at the Brigend of Leyth, have continually bought lambs for slaughter and sold them slain in their booths and openly in the markets of Edinburgh, Cannogait, Leith, and elsewhere.—Pursuer appearing personally, and the said Andro Weir, William Or, Robert Dalgleische, Johnne Gray, Robert Kennoch, George Robertsoun, Thomas Hall, Robert Coull, James Schod, and James Donaldsoun being present, but the other defenders not appearing, the Lords assoilzie the said Andro Weir, William Or, Johnne Gray, and James Donaldsoun, who have sworn that they had not contravened the proclamation; order the said Robert Dalgleische, George Robertsoun, Thomas Hall, Robert Coull, and James Schode, who confessed, to be detained in the Tolbooth at their own expense until relieved; and order those who have not appeared to be denounced rebels.

Fol. 172, a.

Reopening of the case of Lockhart of Lee against Gedeone Weir, notary, for defamation.

Complaint by James Lockart of Lie, as follows:—"Gedeoun Weir, messinger in Lanark, being callit and convenit before the Lordis of Secrite Counsaill in the moneth of Januar 1612 yeiris for the fals and malitious geving furth ane untrew informatioun aganis the said complenair, beiring that for the steilling of a lamb he had causit execute umquhill James Watsoun in the Lye Mure to the daith; quhairof reporte wes maid to his Majestie and the tryall and examinatioun of the same recommendit be his Heynes to the said Lordis (*ante*, Vol. IX. p. 637), and efter dew and exact tryall taikin be the saidis Lordis thairintill the saidis Lordis fand and declairit that the said Gedeoun Weir most unhonnestlie, falsly, and maliciouslie behavit him selff in the mater foirsaid by geving out and affermeing of the said sinister and wrang reporte aganis the treuth and veritie of the proces of convictioun deducit be the said complenair aganis the said umquhill James Watsoun, quhairof the said Gedeoun wes clerk and writter; and thairfore the saidis Lordis ordanit him to be committit to waird within the Tolbuith of Edinburgh, thairin to remane upon his awne expensis ay and quhill suche forder

ordour sould be tane with him thairanent as appertenit [*ante*, Vol. IX. p. 311]. And, he haveing remanit some certane space in the said waird, he wes in end relevit upoun conditioun and suirtie for his compeirance before the saidis Lordis quhanevir he sould be chairgit for this mater upoun sex dayis wairning, under the pane of thrie hundred merkis, as ane act maid thairupoun of the dait the xxix day of Januair and yeir of God foirsaid, insert and registrat in the buikis of Counsaill, and the auctoritie of the Lordis thairof interponit thairto, at lenth beiris. And his Majestie, hoiping that suche examplair punischement had been inflictit upoun the said Gideoun as the nature and qualitie of the offence requirit, and being informit of the contrair that no forder is as yit proceidit thairintill, hes thairfore laitlie returnit unto the saidis Lordis his Heynes will and pleasoure anent suche forder punischement as sould be inflictit upoun the said Gedeoun for the offence abone-writtin."—Both parties appearing personally, the Lords find that Gedeoun Weir has much offended the pursuer, and they therefore suspend him from the office of notary and messenger-at-arms until Martinmas next. They order that before that time Gedeoun shall satisfy the said James for the offence which he has done; "and the saidis Lordis declairis that, gif at ony tyme betuix and Martymes nixt the said James Lokhart of Lie sall verifie and prove the said Gedeoun Weir hes in ony caise misbehavit him selff towardis him and gevin unto him just mater of offence, that therfor the said Gedeoun salbe suspendit *simpliciter* fra his office." Decreta Mar. 1616–Jan. 1617. Fol. 172, b.

Order for the release of Adam French of Thornidikes from his present sequestration.

Complaint by Adam Fransche of Thornidykis, as follows:—For some time he has been in a manner a prisoner under the charge of persons appointed by the Council [*ante*, p. 422, p. 432, p. 448, p. 477]. Although he has been kindly used by his guardians, yet the restraint is grievous, more especially as he is of a capable age, when he may choose for himself his place of residence. Nevertheless Sir Johnne Home of Northberuik, upon whose complaint his sequestration proceeded, pretends right and interest in the custody of his person and in his education, as alleged donator to his ward and marriage. That is a matter which will be decided before the proper judge. In the meantime pursuer should have his liberty.—Pursuer appearing personally, and Sir George Home of Mandirstoun (who undertook this matter during Sir Johne Home's absence from this realm) appearing by Andro Clerke, his procurator, the Lords order James, Archbishop of Glasgow, with whom the pursuer is now "sequestrat," to put him to liberty as soon as caution in £1000 has been found by Sir Patrik Cirnesyd of Eist Neisbit, father-in-law of pursuer, that he shall present him before the Council whenever called upon to do so. This decreet to be without prejudice to any action competent to Sir Johnne Home against the pursuer, or person or persons whom the said Sir Johnne alleges to have taken away the pursuer. Fol. 173, a.

Caution in the same matter.

This day appeared Cranstoun of Moreistoun, and became cautioner for Sir Patrik Chirnesyde of Eistneisbitt in the sum of

Decreta Mar. 1616–Jan. 1617. £1000 that he would present Adam Franch of Thornidykis when ordered.

Sederunts. Fol. 133, b. "Reporte maid be the Lord of Scone anent the mending of the wayes committit to his charge." Repair of Roads.

Acta Mar. 1616–Jan. 1617. Fol. 31, a. *Sederunt*—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Wyntoun; Lynlythqw; Lotheane; Lord Gordoun; Burley; Binning; Cranstoun; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsythe; Medop; Sir Andro Ker; Mr. Peter Rollok of Piltoun. Edinburgh, 6th June 1616.

"Forsamekle as the Commissionaris and Justices of Peace nominate be the Lordis of Secret Counsall for sighting of the wayes and passageis betuix Falkland and Perthe and betuix Perthe and Dundie, and for causing of the same to be enlairgit and mendit and maid passable for cotches and horsis, hes, according to the commissioun and charge gevin unto thame, verie formarlie, ordourlie, and discreitlie proceidit in that bussynes, and hes maid, prescryvit, and sett doun the forme and ordour how the saidis wayes sould be enlairgit and mendit,—as, namelie, they haif appointit and ordanit that the passage betuix Falkland and Perthe salbe helpit and repairit in maner following: viz.,—the passage betuix the burne of Cragye and the calsay benorthe the brig of Erne be the travellis and chairges of the parrochynnaris of Perthe in landwart, the parrochynnaris of Abirdagye, Malar, Rynd and Dunbarnye, with the Fol. 31, b. concurrance and assistance of the Lord Oliphant, the Laird of Moncreiff, Sir Johne Moncreiff, the Barone of Fingas, and Williame Blair of Tarsopye; the passage fra the eist end of Shillis Brig be eist the brig of Erne, to the mid burne in the glane of Abernethie that rinnis besouth Monquhirrit, be the parrochinaris of Abernethie, Dron, Axmagirdall, Furgundenit, and Kirkpottye, with concurrence of the Lairdis of Pitcur, Balmanno, Balvaird, Fordell, Broun, Balmady, and Johne Oliphant of Forgund; the passage fra the said mid burne to Falkland be the parrochinnaris of Ebdie, Ouchterlemuchtie, Stramiglo, Arnegosk, and the landis pertening to the Lairdis of Balvaird and Pitlour within the parrochine of Abernethie and landis of Glentarky, with concurrence of the Lord Lindoris, the landis of Balvaird, Pitlour, Fairnyee and Myris,—and all for the brigis and calsayis within the boundis pertening to the burgh of Perthe the saidis commissionaris hes committit the cair thairof to the said burgh; the passage betuix Perth and Dundie to be repairit fra Innergourie to Rossye be the parrochinnaris of Innergourie, Liff, and Langforgound, fra Rossay to Craigdaillie and fra that to Kinnaird and Flacraige be the parrochinnaris of Rossay, Inchesture, and Abernytie, fra Flacraig to Craigburne and Rait be the parrochinnaris of Kinnaird, Inchemartyne, Erroll, and Lordscip of Grange, fra Craigburne and Rait to Chanra be the parrochinnaris of Rait, Erroll, Kilspindie, Kinfawnis, and St. Madois, fra Chanra to Perth and fra Perthe to Scone be the parrochinnaris of Kinnoull, St. Martyne, Scone, Cambus- Act ordaining the carrying into effect of certain arrangements recommended for enlargement and repair of roads between Falkland and Perth and between Perth and Dundee.

michaell, Kinfawnis, and Cargill, with concurrence of all these boundis of the Bishop of Orknay, the Bischop of Dunkeld, the Lord Gray, the Lairdis Clakmannane, Inchemartyne, Baltheyok, Kinaird, Moncur, Monorgound, Meginche, Inchester, Camps[ie], Pitsindie, Mr. Johne Ogilvy, and Mr. Alexander Wedderburne; and that everie plough in ilkane of the saidis parrochynnis fund ane sufficient workeman to the nomber of xl men daylie till the worke be perfytit, the one half of thame with spaides and the uther with schoolis, and that they worke tua dayes in the oulk, viz., Twisday and Thurisday, fra sex houris in the morning till sex houris at nicht, on thair awne chairges and expensis, beginning at suche tyme as the commissionaris sall appoint; and that in everie parrochyne thair be ane honnest man appointit for attending on everie ten of the workemen, and that everie gentleman landit within the said parrochinnis haveing sex pleughis of land furneis to the saidis workemen ane pick or mattok or gavillok or quarrell mell or irne wadgeis requisite to the said worke for everie sex pleughis; and that the saidis passageis be sextene fitt of breid: as ane act maid and sett doun be the saidis Justices of Peace to this effect at lenthe beiris. And, seeing they haif tane so grite panes and travellis in this bussynes, and hes so wyslie, discreitlie, and moderatlie prescryvit and sett down the ordour how the saidis wayes and passageis salbe enlairgit and mendit, as said is, necessar it is that the conclusioun maid and sett doun in this bussynes be followit oute be these whome it apperteynis and concernis. Thairfore ordanis letteris to be direct chairgeing all and sindrie the noblemen, baronis, gentlemen, and parrochynnaris abonewrittin, unto and upoun whome the chairge of this service is layed and injoyned, that they and everie ane of thame for thair awne pairtes do and performe that poynte of dewtie in the said service whilk to thame apperteyneth and whilk to thame is injoyned, and that they on nawayes mak ony excuise, refuise, or delay upoun or under quhatsumevir cullour or pretext, as they and everie ane of thame will answer to the saidis Lordis upoun thair heighest chairge and perrell, and under the pane to be callit, persewit, and punist in thair personis and goodis at the arbitrament of his Majesties Counsall as hinderaris of his Majesties service and contempnaris and dissobeyaris of his Majesties royall prerogative and commandimentis."

Acta Mar. 1615–Aug. 1617.

Fol. 32, a.

Report by the Archbishop of Glasgow on the book entitled "God and the King," finding it good to be printed and used in all Universities and Schools, and recommending that it be made imperative

"The quhilk day, James, Archibishop of Glasgow, compeirand personallie before the Lordis of Secreit Counsall, he reported and declared that he, with Williame, Bishope of Galloway, Sir Williame Oliphant of Newtoun, his Majesties Advocat, Sir Alexander Drummond of Medop, and Mr. Peter Rollok of Piltoun, with some of the ministeris of Edinburgh, had sene and considerit the booke intitulate 'God and the King,' [*ante*, p. 521], and that they found that the said booke was worthie to be teachit in all the Universities and Schooles of this kingdome, and that the principall heades thairof sould be drawne up in some catechetick questionis and answeris and proponed in publick doctrine be everie

Acta Mar. 1615–Aug. 1617.

minister; and that everie student in the Universities, and every scholer in the schooles of this kingdome sould have ane of the saidis bookis, and that no studentis in the Universities sould be receaved to thair degreis quhill they give thair oathe of alledgeance according to the doctrine proponed in the said booke; and that everie familie within this kingdome quhair thair is ony that can reid sall have one of thir bookis; and that the maisteris and regentis of the Colledges and schooles within this kingdome salbe answerable for thair scholaris and studentis that everie ane of thame sall haif ane of the saidis bookis; and that the minister of everie paroche sall try the dissobeyaris within the boundis of his paroche to buy the said booke, and sall report thair names to the bischope of the diocie, who sall signifie the same to the Lordis of Previe Counsall, that ordour may be tane with thame accordinglie; and that proclamatioun salbe direct to this effect in forme as effeiris."

that all teachers and scholars, and every family in the kingdom possess a copy.

Fol. 32, b.

Decreta Mar. 1616–Jan. 1617. Fol. 173, b.

[Sederunt as recorded above.]

Edinburgh, 6th June 1616.

Complaint by Johnne Hammiltoun, merchant burgess of Edinburgh, that Hew Ross of Ballamuchie remains unrelaxed from a horning of 8th November 1614 for not paying £4000 to pursuer.—Pursuer appearing by Hew Somerwell, his procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Hew Ross of Ballamuckie.

Sederunts. Fol. 134, a.

"Ane act anent the transporte of passingeris betuix Scotland and Irland."

Passage between Scotland and Ireland.

Acta Mar. 1615–Aug. 1617. Fol. 32, b.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Bishop of Caithnes; Lynlythqw; Lord Gordoun; Burley; Binning; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsythe; Medop; Mr. Peter Rollok of Piltoun.

Edinburgh, 11th June 1616.

"Whereas Stevin Aitkinsoun, Englishman, hes undertane and promeist to the Kingis Most Sacred Majestie that, upoun his awne propper chairges and expensis, he sall mak ane new searche, tryall, and discoverie of the mynes, seames, and minerallis in Crafurde Mure, with the saxeere, the calumyneere, and the salyneere stanes, and of all mettall of gold and silver quhilk by his industrie, panes, and diligence, and by his chairges and expensis, he is able to discover and find oute thair; quhilk forme of discoverie and tryall he intendis to mak and caus be done by extractionis and washeingis, and with suche instrumentis and tables as may best forder and advance the said worke; and seeing the saidis workis doeth now ly idill, sua that nouther doeth his Majestie nor the countrey ressave ony commoditie or benefite be the same; and his Majestie being willing to authorize the said Stevin Aitkinsoun with warrand, power, and commissioun to make ane proofe of his knawledge, skill, and experience in the saidis workis:—Thairfore his Majestie, with advise of the Lordis of Secret Counsall, hes gevin and grantit, and be the tennour

Act in favour of Stephen Atkinson, Englishman, empowering him to seek for seams of metal in the disused mines of Crawfordmuir, and allowing him nine parts of all the metal he may discover, the tenth part to go to his Majesty.

heirof gevis and grantis, full power and commissioun by these presentis to the said Stevin and his servandis, and suche utheris as he sall adjoyne unto him, alsweell countreymen as strangeris, during his lyftyme, to searche, seik, worke, dig, try, discover, and find oute all suche seames and mynes of gold and silver as by his skill, industrie, and travellis he is able to discover in Craufoordemoore and utheris pairtes thairabout, and to caus fyne and bring to perfectioun the haill mettall of gold and silver quhilk he sall discover and find oute thair with the saxeere, the calumyneere, and the salyneere stones, alsweell by extractionis and wassheing and suche instrumentis and tablis as he sall think meete a by ony uther ingyne and devise quhatsomevir, and generallie to do and exerce all and sindrie thingis whilk may forder and advance the said worke,—provyding alwayes, lyke as it is heirby expreslie ordanit, commandit, and declairit, that the said Stevin sall bring in to his Majesties coneyiehouse at Edinburgh the whole gold and silver that salbe discoverit, wrocht, and fyned by him, or be quhatsomever persone or personis in his name, to the effect the same may be coyned in his Majesties conyiehous, quhair he sall leive the tent pairt thairof as his Majesties dew with his Majesties maister conyeour, to be maid furthcummand be him to his Majesties Thesaurair, withoute deductioun or ony allowance quhatsomevir, and the rest, extending to nyne pairtis, salbe delyverit to the said Stevin himselff in his Majesties coyne as his awne propper geir, his Majesties coynage thairof being alwayes deducit. It is also provydit and declarit that, yf the said Stevin sall mak ony grite worke in ony pairt of the boundis abonewrittin to the deterioratioun thairof and the awnaris harme, that he sall gif satisfactioun to the awnaris according to the raite of the losse; as alsua that he sall enter to the worke betuix and the last day of Julij nixttocome, and dewlie prosequute the same; quhairin gif he failyee, or efter the beginning of his worke sall so desist as he sall forbeare the lauchfull prosequutioun thairof for the space of sex monethis thairefter, it salbe lauchfull to his Majestie and the saidis Lordis to permit utheris to enterpryse and prosequute the said worke. Commanding and chargeing heirby all and sindrie his Majesties liegeis and subjectis that nane of thame presoome nor tak upoun hand, under quhatsomevir cullour or pretext, to mak ony stope, trouble, impediment, nor molestatioun to the said Stevin and his servandis in the useing and executing of this commissioun and warrand granted unto him, nor to enter upoun his worke, nor to use his forme of extractioun and washeing, withoute contentment and satisfactioun first to be maid and gevin to him for the same, and that his goodwill be procured and hand thairunto, bot that they suffer and permit the said Stevin and his saidis servandis peaceabl[i]e, freelie, and quietlie to use the said commissioun and warrand, under all heighest pane, chairge, cryme, and offence, that they may commit aganis his Majestie for contravening of his royall chairge and commandiment, and under the pane to be punist thairfore in thair personis and goodis at the arbitrament of his Majesties Counsall.—Followis his Majesties missive

Acta Mar. 1615–Aug. 1617.

Fol. 33, a.

Fol. 33, b.

Acta Mar. 1615-Aug. 1617.

letter concerning this mater: Right trustie and right welbeloved cosen and counsellour, and right trustie and welbeloved counsellouris, wee greet yow well.—Whereas the bearer heirof, Stevin Atkinsoun, being desirous at his awne chairges to seeke minerallis in Crauford Moore, hath maid humble suite unto us that he micht be permitted so to do, and forasmuche as the working in the said moore can be prejudiciall to none, bot, be the contrarie, gif ony vaine be found, it may prove beneficiall to us, wee have thocht good by these presentis to require yow (gif yee sie no reasoun to the contrarie) that ye give ordour that he may be permitted to worke and seeke in suche places of the said moore, with suche nomber of people as he sall think fitting, freelie and quietlie withoute ony stope or molestatioun. And, this speciallie recommending to yow, wee bid yow fairwell. At Newmarket, the 29th of Aprile 1616."

Decreta Mar. 1616–Jan. 1617.

[Sederunt as recorded above.]

Edinburgh, 11th June 1616.

Fol. 174, a.

Petition by the bailies of the town of Hammiltoun as follows:—The bridge of Bothuill over the Clyd is in peril through the great floods and pieces of ice which come down with great force against the pillars thereof. Petitioners crave an Act of Council for upholding the said bridge, in these terms,—that from every load of victual, merchandice, or other goods passing over the bridge they may collect two pennies, and from every burden of the same one penny.—The Lords grant the petition, and allow the said custom to be in force for nine years.

Toll for nine years at Bridge of Bothwell.

The Lords, having heard that challenges had passed between Robert Glendoning of Partoun and Glendoning of Drumrasche, had summoned both parties to appear this day; and now, the said Robert Glendoning not appearing, the Lords order him to be denounced rebel.

To denounce Robert Glendoning of Partoun.

Fol. 174, b.

Complaint by Alexander Chairtouris in Craigscheill, as follows:—On Sunday 7th April last, pursuer went to his own parish kirk of to hear sermon. On that day William Kirkpatrik, younger, of Kirkmichaell, who had a grudge against pursuer, left his parish kirk, and came armed to pursuer's with intent to do him bodily harm. He encountered pursuer, who was walking in the kirkyard waiting for the minister to go to the pulpit, and committed a fierce assault upon him with a drawn sword, till he was stayed by some people present. He then pulled out his "quhinyeair," and, throwing it at pursuer, wounded him in the thigh. His conduct made such a tumult in the kirkyard "as hardlie could be satled a long tyme thairefter."—Pursuer and defender both

Alexander Charteris against Kirkpatrick, younger of Kirkmichael for assault.

Fol. 175, a.

appearing, and it having been declared by the latter that "upoun occasioun of some miscontentment standing betuix the said persewair and him he desyrit the said persewair to leive the kirk, and, becaus he wald not leive the kirk, he preist and mintit to persew him of his lyff," the Lords order defender to be committed to the Tolbooth of Edinburgh, and to be detained there at his own expense during their pleasure, and further

that both parties find caution, the defender in £1000 and the pursuer in 300 merks, and that they do not depart from Edinburgh till they have found the same.

Edinburgh, 13th June 1616.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Bishop of Ros; Bishop of Caithnes; Glencarne; Lynlythqw; Lotheane; Perth; Lord Gordoun; Bugcleuch; Binning; Master of Elphinstoun; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Kilsythe; Medop; Sir Andro Ker; Mr. Peter Rollok. Acta Mar. 1615–Aug. 1617. Fol. 33, b.

Commission for surveying the Torwood, and reporting on how it may best be made valuable to his Majesty.

"Forsamekle as the Kingis Majestie hes commandit ane survey to be maid of his Majesties woode callit the Torwode, to the effect that, eftĕr consideratioun thairof and of the estaite and estimatioun of the growand trees within the same, ordour and directioun may be accordinglie gevin for cutting of the said woode, and for haning, enclosing, and imparking of the same of new,—thairfore the Lordis of Secret Counsall gevis and grantis commissioun be thir presentis to Alexander, Erll of Lynlythqw, Sir Williame Levingstone of Kilsythe, and James Murray, Maister of his Majesties Workis, to resort and repair to the said Torwode upoun Mononday nixt, the xvij of this instant, or ony uther day thairefter they sall thinke meete, and to mak and tak ane perfyte survey of the said woode; and to considder the estaite and conditioun of the same, quhat pairtis thairof neidis to be cuttit, how and when the same may be most convenientlie done, Fol. 34, a. quhat probable profite may arryse to his Majestie by cutting of the said woode, and how and by quhat meanes the same may be inclosit, parkit, and hayned in haill or in pairt of new, and quhat charges and expensis wilbe requisite for doing thairof; and that the saidis commissionaris reporte thair proceidingis heirin to the saidis Lordis at the first occasioun efter taking of the said survey."

Act making imperative the use in Schools and Universities throughout Scotland of the book entitled "God and the King," already made similarly imperative throughout England and Ireland, and requiring the doctrine of the book to be taught by all ministers and school-masters, and copies of the book itself to be bought by all families any member of which can

"Forsamekle as the oathe of alledgeance devysed be his Majestie and his Estaitis, and defendit by his Heynes royall pen, hes not onlie bene impugned be contradictioun, bot hathe bene endevoirit to be maid frustrat by divers secret practizes and devyseis, whairby ather to dissuade his Majesties subjectis from taking of the same or utherwayes to mak thame tak it onlie in dissimulatioun to eshew the penalties of the law dew to be inflictit upoun the refusearis; and his Majestie in his princelie wisdome, calling to mynd that the terrour of lawes withoute instructioun and edificatioun is bot ane imperfyte remeid, hes thairfore thocht meete, for the better seasoning of the youth in thair dew alledgeance, to caus compyle a breiff booke or treatise contening the sowme of the aithe of alledgeance,—intituled 'God and the King, or ane Dialogue showeing that his Sacred Majestie, being immediate under God within his dominionis, doeth rightlie and lauchfullie clayme whatsoever is required be the aithe of alledgeance,'—fitte for the capacitie of youthe, whairby in thair tender yeiris the treuth of that doctrine may be bred and setled in thame, and they thairby may be the better airmed and preparit to with-

Acta Mar. 1615–Aug. 1617.

stand any persuasioun that in thair ryper yeiris may be offerit and usit towardis thame for corrupting of thame in thair dewtie and alledgeance, and also may prevent and eshew the danger of the lawes for thair refuseing of the said aithe [*ante*, p. 530]; and his Majestie haveing alreddy gevin ordour and directioun for the universall dispersing and teiching of the said booke within his realmes of England and Irland: his Majestie lykewayes, oute of the tender cair and regaird quhilk he hes to reteine and hold his good and loving subjectis of this his ancient kingdome of Scotland under thair dewtye, alledgeance, and obedience, hes resolvit that the lyke course and ordour salbe tane for the universall dispersing and teatcheing of the said booke within this kingdome. And thairfore the Kingis Majestie, with aduyse of the Lordis of his Secret Counsall, hes resolvit, concludit, commandit, and ordanit, and be the tennour of this present resolvis, concludis, commandis, and ordanis, that the said booke or treatise, intituled 'God and the King,' salbe read and teachet in all the Universities, Colledges, Grammer and Inglish scooles in this kingdome, and by all teacheris, privat and publict, men and women, within the same; and that everie familie of quhatsomever degree or rank within this kingdome who hes ony persone within the same that can reid sall buy and haif one of the saidis bookis; and that the maisteris and regentis of Colledges, and all maisteris and teacheouris of Grammer and Inglishe schooles, privat and publict, salbe ansuerable for the teaching and reading of the same to thair scooleris, and that every one of thair scolaris who ar capable sall haif one of the saidis bookis; and that no student in ony Universitie or Colledge of this kingdome be admittit and ressavit to thair degrees quhill first they gif thair solemne aithe of alledgeance according to the doctrine contenit in the said booke. And forder his Majestie, with advise foirsaid, findis it verie necessar and expedient for the better instructioun of all subjectis that the principall headis contenit in the said booke be drawne up in some catechetique questionis and ansueris, and proponnit in publict doctrine be every minister to his congregatioun. And his Majestie, with advise foirsaid, commandis and ordanis the ministeris of the particular parrochinis of this kingdome to tak head that in everie famelie of his paroche quhair thair is one persoun that can reid that thair be one of the saidis bookis; and, gif ony be dissobedient and wilfullie will refuise to buy one of the saidis bookis, that the said minister reporte and notifie thair names to the bischope of the diocie, to the effect he may acquent the Lordis of Secret Counsall thairwith, that ordour may be tane thairwith as accordis. And the saidis Lordis ordanis letteris to be direct chargeing officeris of armes to pas and mak publicatioun heirof to all and sindrie his Majesties liegies and subjectis, be oppin proclamatioun at the mercatt croceis of the head burrowis of this realme and utheris placeis neidfull, quhairthrow nane pretend ignorance of the same, and to command and chairge the maisteris and regentis of all the Universities and Colledgeis of this kingdome, and all maisteris and all teachouris, men or women, privat

read: granting also a monoply of the printing and sale of the said book within Scotland for 21 years to Mr. James Primrose, Clerk of Council.

Fol. 34, b.

or publict, teacheing schoolarris, according to thair capacitie, sall within the space of ten dayis efter warning to be maid unto thame haif, reid, exercise, and learne the said booke,—ordour being tane that thair salbe an sufficient nomber of thame in reddynes in places convenient for the buyer; and that thay be red and teichet in Latine or Inglishe according to the capacitie of the scoolarris, under the pane of deprivatioun of every suche maister and teacheour as sall do in the contrair heirof; certifeing the saidis maisteris and teacheouris that sall do in the contrair heirof, and refuise to conforme thame selffis to this present act and ordinance, that they sall be depryvit from thair office and dishabiled and prohibite from all forder teacheing of scolarris thairefter untill suche tyme as they sall conforme thame selffis heirunto, and forder that they salbe punist in thair personis and goodis at the arbitrament of the Lordis of his Majesties Previe Counsall for thair contempt of his Majesties royall commandiment. And to command and chairge all and sindrie provestis and baillies within burgh and within the townis and villageis of this kingdome to landwart quhair thair is ony Latine or Inglishe schooles keept and interteynit, and the sessioun of particular burghis kirkis both to burgh and landwart, that they and everie one of thame within thair awne boundis and severall jurisdictionis hald hand and further the reiding and exercise of the said booke, and helpe and assist the dew performance and executioun heirof, and caus and compell the maisteris and teacheouris of scooles within thair boundis to conforme thame selffis to his Majesties directioun and royall commandement in this behalfe, as the saidis provestis, baillies, and sessionis of kirkis will answer upoun thair obedience. And, whereas it hes pleased his Sacred Majestie, upoun divers good respectis and considerationis, and of his Heynes speciall grace, certane knawledge, and meere motioun, to give and grant to one of his weell deserving servandis the full, free, and soile licence, libertie, privelege, and authoritie, for the space of twentie ane yeiris nixt and immediatlie following the daite of the said licence, to imprent and caus to be imprintit bothe in Englishe and Latine the said booke and treatise intituled 'God and the King,' and everie translatioun and epitome thairof, and, the same being imprinted, to utter, sell, assigne, and dispose upoun the same at his pleasour, sua that he, his airis, executoris, and assignais may haif, ressave, and enjoy the full and whole benefite and advantage of his Majesties favour and grant maid to him in this behalfe; and his Majestie being carefull and willing that his Majesties said grant, licence, and priviledge salbe valide and effectuall unto him, and that nothing be done nor attempted publicklie nor covertlie whilk may derogate his Majesties said previledge, or be prejudiciall or hurtfull to his Majesties said servitour, his airis, executoris, or assignais: Thairfore his Majestie, with advise foirsaid, ordanis the letteris foirsaidis to conteine ane expres prohibitioun and dischairge to all and sindrie stationaris, prentaris, bookesellaris, and bookebindaris, and to all mearcheantis, factoris, importaris of bookis, maisteris of schippis, with thair marineris and sailleris, and all utheris personis

Acta Mar. 1615–Aug. 1617.

Fol. 35, a.

Acta Mar. 1615–Aug. 1617.

quhatsomever, alswell natives as strangeris, that they nor nane of thame presoome nor tak upoun hand, at any tyme efter the publicatioun heirof and during the said space of xxj yeiris, to importe, prent, utter, sell, or putt to seall, or caus to be importit, prentit, utterit, sauld, or put to seale, the said treatise or booke intituled 'God and the King, or a Dialogue shaweing that his Majestie, being immediat under God within his Majesties dominionis, doeth lauchfullie and rightlie clame quhatevir is requirit be the said aithe of alledgeance,' or ony translatioun, epitomie, or abridgement thairof, or ony uther abridgement and booke proporting the sume and effect of the said translatioun, treatise, or ony pairt or parcell thairof, nor to importe or bring in, or caus to be importit and brocht in, to this kingdome the said booke or treatise, nor ony translatioun, epitome, and abridgement thairof, imprentit in ony uther place oute of his Majesties dominionis, nor to sell, utter, or bind the same, during the terme and space foirsaid, uther then suche as salbe imprented be his Majesties said servitour, his airis, executoris, and assignayis, as is afoirsaid, under the pane of confiscatioun of the haill bookis so to be imported, printed, bund, uttered, and sauld contrair the trew intent and meaning of thir presentis, and of the moules, letteris, prenting press, and all instrumentis and toles thairunto belonging, quhairwith ony suche booke or bookis or ony pairt thairof salbe imprentit contrair the trew intent and meaning heirof, and of the haill remanent moveable goodis and geir pertening to the importaris, prentaris, utteraris, sellaris and binderis of the saidis bookis, to his Majesties use.—Followis his Majesties missive letter concerning this mater:—Richt trustie and welbeloved cosen and counsellour, and right trustie and welbeloved counsellouris, wee greet yow well. Whereas wee have caused a littill booke or treatise be publishit, intituled 'God and the King, conteining the sowme of the aithe of alledgeance,' whiche book wee haif caused be imprinted, sauld, and dispersed through oute all pairtis of our kingdomes and dominionis of England and Irland, to be taught in all schooles of learning, alsweill privat as publict, wemen as men, in the Englishe and Latine tounge, and consequentlie to all youthe whatsoever within the aige of xxj yeiris, quhairby they may be the better instructed in thair dewtie to God and alledgeance to us; and we being of purpose and intentioun to tak the lyke cours within our kingdome of Scotland; oure expres will and pleasour is that the said booke be universallie taught and learned within that our said kingdome and dominionis thairof, accordinglie as it is within our saidis uther kingdomes. And, becaus that nether the youth, nether these of ryper yeiris, within our said kingdome of Scotland ar so naturallie inclyned nor disposed to the use of reiding as is fitt and convenient, oure will and pleasour is likewayes that all housholderis within the said kingdome, severallie and respectivelie, sall have the same book, quhairby the hairtis and myndis both of the one and uther may be the better seasoned and prepared with loyaltie and obedience The sole and onlie licence for printing, selling,

Fol. 35, b.

and dispersing of the whiche bookes wee, for divers good causes and considerationis us heirunto moving, do give, grant, and dispone to our lovit Mr. James Prymrois during the space of tuentie one yeiris, reserving alwayes to your good considerationis the conditioun, manner, and forme for prosequuting of this our grant and licence. So, as wee may receave contentment, oure loving people instructioun, and the said Mr. James competent benefice for his travellis, wee bid yow fairwell. At Newmarket, the 14th of Aprile 1616." Acta Mar. 1615–Aug. 1617.

Edinburgh, 13th June 1616.

[Sederunt as recorded above, with the addition of Lord Burlie.] Decreta Mar. 1616–Jan. 1617. Fol. 175, a.

The Lady May against her son Sir William Sinclair of Catboll and others for oppression and violence.

Complaint by the King's Advocate, and Margaret Forbes, Lady May, Johnne Sinclair of Gaynis, her son, William Ogilvy, his servitor, Thomas Caddell in Catbole, Alexander M°Culloche there, and William Purdie, notary in Caithnes, as follows:—On 11th March last, Sir William Sinclair of Catboll, son of the said Lady May, accompanied by Adam Hay in Plaidis, Alexander Hay Gilbertsoun in Hiltoun, Johnne M°Gillichriest, miller there, Johnne Hay in Aldarroche, James Miller in Aldy, Johnne Dasoun, William Bayne, William Edgar, and Donald Ross, with others, all armed with swords, &c., went to the place and tower of Catboll (which belongs to the said Lady May in liferent), "pat leddiris to the said house, rave up the rooffe thairof, enterit in thairat, brak up the durris, kistis, Fol. 175, b. lockfast loomes, being thairintill, reft and awaytook the haill writtis, goldsmyth workis, soumes of money, and utheris being within the said house, pertening to hir and hir bairnis." Pursuer's son has since occupied the house, and will not render it up to her. On 26th March last, the said defender and his accomplices discharged a long hagbut at the said Johnne Sinclair when going by the place of Catboll. On 2nd April, while the said Johnne was on the highway between Catboll and Tayne, the said defender presented a pistollet at him, with intention to kill him. On 2nd March last, the said Johnne, as bailie to his mother for Seater and Cannesbie, having caused a court to be fenced at Seatter, the said Sir William upbraided the bailies thereof, attacked William Purdie, the clerk of court, took away from him his court book and all the rolments, and would suffer none to appear in the court. On 29th March he apprehended the said Thomas Caddell and Alexander M°Culloch, and imprisoned them in the place of Catboll during the night. On 3rd April he caused William Ogilbie to be detained as he was going out of the place of Catboll after a conference with the Lady May, and took away from him some letters from the said Lady to Arthour, Lord Forbes.—The Lord Advocate appearing, and Lady May appearing by Arthour, Lord Forbes, her procurator, and Johnne Sinclair being present for himself and the other pursuers, but Sir William Sinclair, Johnne Dasone, Adam Hay, Alexander Hay Gilbertsoun, Johnne M°Gillichreist, Johnne Hay, and James Miller, not appearing, and the tower and fortalice of Catboll being not yet delivered to pursuers, the Lords order defenders to render

Decreta Mar. 1616–Jan. 1617.

up the same for failing to show cause to the contrary, and moreover order them to be denounced rebels for not appearing.

Thomas Turnbull and his son denounced for not appearing to a charge of assault on Mr. Joseph Tennent, minister at Bedrule.

Fol. 176, b.

Complaint by Mr. Joseph Tennent, minister at Bedreule, as follows :— Thomas Turnble in Rowcastell, and Andro Turnble, his son, have conceived a deadly hatred of pursuer. On 19th May last, pursuer was going through the town of Rowcastell home to his own house there, when the said persons, the former armed with a long fork in the one hand and a drawn "quhinyeair" in the other, and the latter with a drawn sword, made a fierce assault on him. The said Thomas "strak out sex straikis at the said complenair with the fork and hurte him in the armes and handis thairwith, and at the sevint stryk gaif him a deidlie wound in the womb with the graynes of the fork." That same night, being Saturday, they went to pursuer's house and besieged him there for a long while, threatening with horrible oaths that they would have his life as soon as they could "start" him out of his house. On the morning the pursuer, being loath to be absent from his duties, set out for the kirk; when the defenders, being informed of this diet, lay in wait for him, assaulted him with drawn swords, and would have slain him had not some of his parishioners stayed them.—Pursuer appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels.

Commissions. Fol. 1, a.

Commission for the trial of James Brown for theft.

Commission under the Signet, signed by the Chancellor, Sanctandrois, Ja: Bishop of Glasgow, Glencarne, Perth, and Lotheane, is given to Alexander, Earl of Lynlithgow, and his bailies, to try James Broun in Falkirk, who was apprehended lately by the bailies of the town of Falkirk, on the charge of stealing a horse, and of committing certain other acts of theft, confessed by him when examined by the said bailies.

Fol. 1, b.

Commission for the trial of Thomas Lawson for theft.

Commission, signed by the Chancellor, Sanctandrois, Glasgow, Glencarne, Perth, and Lothiane, to the Bailie of Lawderdaill and his deputies, to try Thomas Lawsoun in Hewchheid within the Bailiary of Lawderdaill, a common thief, who is now in the tolbooth of Lauder for stealing eleven sheep, and who since his imprisonment has confessed other acts of theft, such as the stealing of many "nolt" and cattle on sundry occasions.

Fol. 2, a.

Commission for the apprehension of Robert Symmer, at the horn on a charge of murder.

Commission under the Signet, signed by the Chancellor, Sanctandrois, Ja: Bishop of Glasgow, Glencarne, Lylythgow, Perth, and Lothiane, to the Sheriff of Kincardin and his deputies, and to David, Lord Carnegie, William Dowglas of Glenbervie, Sir Thomas Gordoun of Cluny, George Keyth of Wodstoun, and James Keyth of Harviestoun, to apprehend and exhibit before the Council Robert Symmer, son of the late Symmer of Balzordie, who was put to the horn on 28th May last, at the instance of Johnne and Grahame, as brothers, Sir Robert Grahame of Morphie, knight, as near kinsman, and others, as kin, of the late David Grahame, son of the late James Grahame of Leuchland, for not finding caution for his appearance before the Justice on 14th June instant in answer to the charge of having murdered the said David Grahame.

Sederunts. Fol. 134, a.

Campbell of Lundie and

"The quhilk day, Coline Campbell of Lundie, haveing procureit the

his charge in the Earl of Argyle's absence.

Counsellis consent to go to Courte to confer and speake with the Erll of Ergyle, his bruther, anent the charge and commissioun whilk he is burdynnit to undertak to supplee his absence, he promeist to the saidis Lordis to returne betuix and the first of Julij, and to resolve the Counsaill quhidder or not he will undertak the said charge, and quhat is his Majesteis will and pleasour thairanent." Sederunts.

Lairds of Auchinbreck and Ardkinglas.

"Missives to be writtin to Auchinbrek and Ardinkinglas to haif a cair of the cuntrey till the returne of Lundye."

Quarrel between MacIntosh and the Laird of Altyre.

"M^cIntoshe being broght befoir the Counsaill for the oversight committit be him in geving ane lie to the Laird of Alter at the Counsalhous dur, M^cIntoshe grantit his offence to the Counsaill and oversight to Alter in geving him the lie at the Counsalhous dur, and craved the Counsallis pardoun. With the quhilk confessioun Alter restit satisfeit; and thay choppit handis togidder. And the Lordis ordanis thame to find cautioun and lawborrowis *hinc inde*, M^cIntoshe under the pane of v^m merkis, and Alter under the pane of three thousand merkis." Fol. 134, b.

Edinburgh, 18th June 1616.[1]

Sederunt—Chancellor; Hammiltoun; Bishop of Glasgow; Bishop of Ros; Bishop of Caithnes; Glencarne; Wyntoun, Bugcleugh; Cranstoun; Binning; Master of Elphinstoun; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Kilsythe; Medop; Mr. Peter Rollok; Sir James Skeine. Acta Mar. 1615–Aug. 1617. Fol. 36, a.

Sir James Skene admitted of the Council in room of his father, Sir John Skene of Curriehill, who desires to retire in his old age.

This day the Lords admitted Sir James Skeine a member of Council, the said Sir James taking in due form the oath of allegiance and the oath of a Privy Councillor.—"His Majesties missive letter for the warrant of the act abonewrittin:—Richt trustie and right welbeloved cosen and counsellour, wee greete yow well. Oure olde and welbeloved servant Sir Johne Skeine of Curriehill, knicht, desiring now in his old aige to retire him self from the chairge and trouble of publict affairis to a more privat and easie kynd of life, is thairfore to mak dimissioun of his place of Counsell, wherein he haveing served so lang and faithfullie, for ane speciall argument of our love and respect to him, and becaus wee ar sufficientlie perswadit of the goode and woorthie pairtes enhabling his sone Sir James to succeid to him in that place, wee have maide speciall choise of him to be preferred thairto, and do thairfore by these presentis require yow to call the said Sir James befoir yow, and, ministring to him the ordinarie aithes, to sweare and admitt him one of your nomber, to have place and voice at our Counsall table, with all honouris, dignities, and previledges belonging thairto, in als free and absolute manner as onie uther of our ordinarie counsellouris thair hath or enjoyeth the same be virtew of his place. Whairanent as these shalbe to yow a warrant Fol. 36, b.

[1] On the 14th of June had died Peter Blackburn, Bishop of Aberdeen since 1600. His successor in that see (appointed 21st July) was Alexander Forbes, translated from the Bishopric of Caithness; in which Bishopric he was to be succeeded (but not till December of the present year) by John Abernethy, minister of Jedburgh.

Acta Mar. 1615–Aug. 1617.

sufficient, so wee bid yow farewell. At Grenwiche, the 8th of June 1616."[1]

Decreta Mar. 1616–Jan. 1617. Fol. 177, a.

[Sederunt as recorded above.]

Edinburgh, 18th June 1616. To denounce the Earl of Caithness and his son.

By a decreet of 2nd April (see p. 490), the Earl of Caithnes, and Lord Berridaill, his son, were ordered to exhibit Allaster Robsoun, George M^cAllaster Crery, and Allaster M^cAllaster Roy before the Council; and now, Arthour, Lord Forbes, and William Innes, his tenant, appearing personally, and Lord Berridaill appearing for himself and for his father, and the said rebels not being exhibited, and no reasonable excuse being given, the Lords order the said Earl and his son to be denounced rebels and put to the horn.

Fol. 177, b.

Alexander Gilchrist against the Magistrates of Stirling for wrongful arrest.

Complaint by Alexander Gilchrist, smith in , that, on a day in June instant, the provost and bailies of Stirling, at the instance of the deacon of the hammermen of that burgh and the other freemen of the craft, apprehended pursuer in the open market place where he was selling his locks in peaceable manner, and committed him to the tolbooth of Stirling, where he is still detained.—James Robesoun, bailie, and Robert Hendirsoun, deacon of the hammermen, appearing for themselves and the other defenders, and presenting the said pursuer, explain that, pursuer having been put to the horn at the instance of David Henry, cutler in Striveling, David M^cBend there, and Robert Hendirsoun and Johnne Burne, smiths there, for not paying 10 merks and 40s. as specified in the letters of horning, and letters of caption being thereupon raised, the magistrates were forced to order his apprehension. The letters of horning and caption having been shown, the Lords assoilzie defenders, and order them to detain pursuer in ward till he relax himself from the said horning.

Fol. 178, b.

Submission of the quarrel between Wood of Bonytoun and Ogilvie of New Grange.

This day appeared Sir Harie Wood of Bonytoun, and Robert Wood, his servitor, for themselves and their friends, tenants, &c., on the one part, and Frances Ogilbie of New Grange, for himself, his friends, tenants, &c., on the other part, and submitted all matters of controversy about marches and other actions between them to the decision of these persons: —on the side of the Laird of Bonytoun, Patrik, Bishop of Ros, Sir Williame Irwing of Kellie, and Sir Johnne Carnegy of Ethie, knight, or any two of them; and, on the side of the said Frances, Alexander, Bishop of Caithnes, Thomas Collace of Pitforky, and Alexander Peirsoun of Waidmylne, or any two of them; and appointed their first meeting to be

[1] In consequence of a strange blunder in Spotswood's History, the tradition has hitherto been that Sir John Skene of Curriehill died in 1612 of chagrin caused by the loss to his family of his office of Clerk Register, through the mismanagement of his son James, who had been sent to Court to negotiate for the resignation of his father's tenure of that office in his own favour. See *ante*, Vol. IX. p. 369 n. We have seen in the present volume (*ante*, p. 210) that old Sir John was alive in 1614, and then readmitted of the Council; and now, in 1616, four years after his supposed death, we find him still alive, though resigning his Councillorship in favour of his said mismanaging son, now Sir James, a Senator of the College of Justice.

at the city of Brechin on 10th August next. The Lords order this submission to be in force till the first Council day of November next, when each party shall appear with one of their arbiters and report the proceedings. Decreta Mar. 1616–Jan. 1617.

Suspension of horning against Adam Hay and Alexander Hay Gilbertson.

Complaint by Adam Hay in Plaidis and Alexander Hay Gilbertsoun in Hiltoun that they have been put to the horn wrongously for not appearing before the Council on 13th instant to the charge of surprising the place of Catbole (*ante*, p. 537). In obedience to the summons they came to Edinburgh on the aforesaid day; and, when standing at the Council house door, ready to present themselves for trial, they were informed that the business had been amicably settled. Thinking that Johnne Sinclair would not insist further, they went away. For obedience, however, they had found caution in 300 marks to appear this day.—Pursuers appearing personally, and the Lord Advocate and Johnne Sinclair being also present, the Lords suspend the process of horning. Fol. 179, a.

Commission for the trial of John Wilson for sheep-stealing,

Commission under the Signet, signed by the Chancellor, Hammyltoun, Glencarne, Wintoun, and Ja: Bishop of Glasgow, to the provost and bailies of Peiblis, or any two of them, to try Johne Wilsoun in Peiblis, who was apprehended on June instant for stealing sheep, and is now in the tolbooth of the said burgh. Commissions. Fol. 2, b.

Marquis of Huntly.

"Ane warrand past for putting the Marques of Huntlie to libertie." Sederunts. Fol. 134, b.

Marquis of Hamilton's report as to certain roads.

"The Marques of Hamiltoun reportit that the way betuix Glasgu and Hamiltoun, and fra Hamiltoun to Lesmaho, wes passible for coitcheis and cairtis, bot fra that to Drumlangrig thair wes no passage for coitches nor cairtis; and he promeist that the way sould be mendit for horsis; and, whair thair wes mosse, he declairit that, yf the way through the mosse wer mendit this yeir, thay sould be als evill or the nixt spring: thairfoir he promeist that the nixt spring thay sould be mendit."

Anent the staple-house to be established at London.

"Williame Speir, Baillie of Edinburgh, reportit to the Counsell that the overture delyverit to the toun anent the Staple house to be establisheit at London sould be answerit after the dissolving of the Conventioun of Burrowis."

Edinburgh, 19th June 1616.

In the matter of the dispute between the present Lord Sanquhar and the natural son of the late Lord Sanquhar.

"The quhilk day Williame, Lord Creichtoun of Sanquhair, on the ane pairt, and Creichtoun, base sone to the laite Lord Sanquhair, with Walter, Lord Scott of Bugcleugh, one of his curatoris, compeirand personalie befoir Alexander, Erll of Dumfermelyne, Lord Heigh Chancellair of Scotland, and Thomas, Lord of Binning, President, conforme to the missive letteris writtin to thame for that effect, and the saidis Lordis Chancellair and President haveing intimat unto thame his Majesteis gratious will and pleasour that contentment and satisfactioun sould be gevin to the said base sone for all right, title, and interesse that he can pretend to the Lordship of Sanquhair be the arbitratioun of freindis to be nominat betuix thame, the said Lord Sanquhair offerrit himself most willing to do in that mater so fer as by indifferent freindis sould be Fol. 135, a.

Sederunts. injoyned unto him, and the said Creichtoun excuisit himself, saying he could do no thing in this mater be him self, he being yitt minor not past xx yeiris of aige, and nane of his curatoris wer present bot the Lord Bugcleugh, upoun whome allane he could not lay suche a burdyne, nather wald the Lord Bugcleuch undertak suche a burdyne allane, as he declairit unto the saidis Lordis. And the said Creichtoun promeist that within xv or xx dayis after the homecomeing of the Lord of Roxburgh, his principal curatour, he sould adverteis the Lord Chancellair what day he with his curatoris wald preceislie keepe for geving ane direct ansuer in this mater; and in the meantyme he promeist to write to France to his moder, and to gett frome hir ane trew note of his aige."

Acta Mar. 1615-Aug. 1617. Fol. 36, b.

Sederunt—Chancellor; Glencarne; Lotheane; Bishop of Ros; Bugcleuch; Binning; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsyth; Medop; Mr. Peter Rollok; Sir Andro Ker; Sir James Skeine. Edinburgh, 20th June 1616.

Act for carrying out arrangements recommended by appointed Commissioners for the enlargement and repair of certain roads in Berwickshire.

Preamble to the effect that "the Commissionaris and Justiceis of Peace nominate be the Lordis of Secreit Counsall for sichteing of the wayes and passageis betuixt Dunglas burne and the bound rod of Beruik, and for causing of the same be inlairget and mendit and maid passable for cotcheis and horsis, hes, with the concurrence and assistance of the schireff of Beruik, according to the commissioun and chairge gevin unto thame, verie formarlie, ordourlie, and discreitlie proceidit in that bussynes, and hes maid, prescryvit, and sett doun the forme and ordour how the saidis wayes sould be mendit and enlairget:—as, namelie, thay haif thocht meete and ordanit that that pairt of the way betuix Dunglas burne and the burne of Colbrandispeth salbe enlairget, repairit, and mendit in all the defectis thairof be Hammiltoun of Innerweik, and Williame Arnot of Colbrandispeth, seing the haill boundis within that parrochin pertenis to thame; and that that pairt of the way within the parrochin of Auld Cambuies betuix the burne of Colbrandispeth and the commoun moore of Coldinghame at the west syde thairof salbe repairit and helpit be the parrochinnaris of Auld Cambuies, and be the inhabitantis of Coldinghame, the townes and landis of Buterdane, Quixwood, Berrihill, Wester and Eister Brokhollis, Rentoun, and the tua townes of Lumesdane, and that Alexander, Erll of Home, appointit some speciall personis who ar some of the justiceis of peace to haif the oversicht of
Fol. 37, a. that pairt of the way; and that the parrochinnaris of Coldinghame sall repair and mend that pairt of the way throw the commoun mure of Coldinghame within the boundis of the parrochin of Coldinghame, and that the baillie of Coldinghame with some of the justiceis of peace haif the chairge and oversicht of that pairt of the worke; and that the parrochynnaris of Aytoun, Aymouth, and Fouldin sall repair and mend that pairt of the way within the parrochine of Aytoun, and that the Lairdis of Aytoun and Wodderburne attend the doing thairof; and that

the parrochynnaris of Lammertoun, Idringtoun, and Mordingtoun sall mend and repair that pairt of the way and passage within the boundis of the parrochin of Lammertoun, and that the lairdis of Eistneisbett and Billie sall haif the oversight thairof: as ane act maid and sett doun be the saidis Commissionaris, Schireff and Justiceis of Peace to this effect at lenth beiris." In accordance with this preamble, the noblemen, barons, gentlemen, and parishioners named in it are enjoined to carry out the work described, under the pain of being punished in their persons and goods at the will of the Lords. Acta Mar. 1615–Aug. 1617.

Allowance to James Haig of Bemersyde, now in ward in Edinburgh.

"The quhilk day the Lordis of Secreite Counsall allowis to James Haig of Beimersyde 13s. 4d. daylie, to be payit be the Thesaurair Depute and ressavearis of his Majesties rentis unto him for his chairges and expensis in his present wairde quhair he now remainis within the burgh of Edinburgh, and that from the day he enterit in the said wairde untill the day he be delyverit and releivit oute of the same."

Edinburgh, 20th June 1616.

[Sederunt as recorded above.]

Decreta Mar. 1616–Jan. 1617. Fol. 180, a.

Caption against Wood of Bonytoun for debt.

Complaint by Thomas Adinstoun, merchant burgess of Edinburgh, that Harie Wood of Bonytoun remains unrelaxed from hornings of 15th and 21st days of February for not paying to pursuer £233, 14s. 6d. and 40 merks of expenses.—Pursuer appearing by Hew Peblis, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

James and David Boswell against Boswell of Pittedie for oppression.

Complaint by James and David Boiswell of Easter and Wester Craigincat, and Johne Kirkcaldy, burgess of Kinghorne, as follows:—The said James and David have heritable possession of the lands of Easter and Wester Craigincat; and the said Johne has undoubted right to certain "burrow ruidis" adjacent to Kinghorne. In May last and June instant, Johnne Boiswell of Pittedie, and Johnne Boiswell, his brother's son, with others on horse and foot, went to the said ground, destroyed the corn by riding through it, and made roads and passages through the same; and on a day in June they and twenty accomplices, all armed, went to the said lands, threw down the dykes, turned their horses into the corn to feed, and threatened pursuers' lives if they made any opposition.—Pursuers appearing personally, and Johnne Boiswell of Pittedie being also present, the Lords assoilzie defender, because he has denied the charges on his oath.

Counter-action by Boswell of Pittedie against James, David, John, and George Boswell.

Complaint by Johnne Boiswell of Pittedie, as follows:—James and David Boswell, brothers of the Laird of Balmowto, Johnne Boiswell, burgess of Kinghorne, and George Boiswell, at the West Mylne of Kirkcaldie, having a grudge against pursuer, because he intends by order of law to retain possession of the privilege of a high-way and common passage leading from his lands and barony of Pittedie to his parish kirk of Kinghorne and to the toun of Kinghorne and ferry of the same, have Fol. 180, b.

Decreta Mar. 1616–Jan. 1617.

by all indirect means sought pursuer's life for a long time past. On 6th April last, two or three persons, disguised and with covered faces, came by direction of the defenders to the lands of Pittedie near pursuer's place of Pittedie and lay in wait for him for most of that day. On 16th May last, James Boswell, and Sir George Boiswell, brother of the Laird of Balmowto, despite the letter of one of the Lords of Council sent to them on 10th May commanding them to keep the peace, went with 16 horsemen from the town of Kinghorne, where they had been at the burial of Marie Boiswell, sister of the Laird of Balmowto, to the house of Pittedie; where some of them rode by pursuer's gate and turned back again the way they came, and some rode through his corn by way of provocation. On 2nd June the said James, David, Johne, and George Boiswell, understanding that pursuer was in his parish kirk in Kinghorne, lay in wait with some accomplices in the foresaid highway, sent for James Boiswell of Abden, and very openly directed him to assure pursuer that they should use all means to take his life.—Pursuer appearing personally, and defenders being present, who deny the charge on oath, the Lords assoilzie defenders.

More concerning the quarrel between Boswell of Pittedie and the other Boswells.

Complaint by Johnne Boiswell of Pittedie as follows:—He has heritable possession of the lands of Pittedie, together with the privilege of highway to his parish kirk of Kinghorne and to the burgh of Kinghorne and the ferry; but, of late, James and David Boiswell, brothers of the Laird of Balmowto, Johnne Boiswell, burgess of Kinghorne, and George Boiswell at the West Mylne of Kirkaldy, have begun to molest his tenants and servants in their use of the said highway; and they intend to compel them to go a very long way about to the kirk, the burgh,

Fol. 182, a.

and the ferry. On Pasche Sunday the last day of March last, the said persons, accompanied by Johnne and James Lundy, Williame Haliday, Johnne Forman, George Wood, Waltir Dron, Waltir Clerk, James Maxwell, James Bruce, Johnne Inglis, Robert Morris, Sir George Boiswell, George Boiswell, Patrik Kirkcaldie, and Flokair, with others to the number of fifty, all armed, lay in wait on the highway for pursuer, who was at both the forenoon and afternoon sermons at Kinghorne kirk. They met in the highway about 2 or 3 o'clock in the afternoon, and, dividing themselves into several companies, lay in wait for him till 6 o'clock that evening. By the providence of God pursuer had occasion to go from the kirk to Bruntiland, and he returned home by another road. Both parties were then willed by some of the Privy Council to forbear further violence till the dispute should be settled by law or arbitration. Pursuer, therefore, imagining that no harm would be done to him, went on Sunday, 2nd June, to his parish kirk; but defenders, hearing of this, gathered together, about 12 o'clock in the day, Johnne Boiswell in Kirkaldy, George Boiswell, his servitor, Patrik and Johnne Kirkaldy, Thomas Crawfurd, Johnne Dick, Robert Bonar, Johne Fergusoun, Johnne Gairdner, Adam Coutis, Thomas Swyn, and George Philip, with others to the number of 30

persons, all armed, and lay in wait for pursuer. When they heard that he would remain for afternoon sermon, they gathered together again at three, and remained on the highway till 6 in the evening. Since then the matter has been referred to some of the Privy Council and other friends, in order to remove the disquiet till the decision of court can be obtained. On 14th June instant a meeting thereanent was held in Edinburgh; at which pursuer appeared and was ready to subscribe an "assuirance" if the same were done by the other side, but the said David Boiswell not only refused to subscribe a submission or give an "assurance," but in the presence of the assembled friends uttered many reproaches against pursuer, saying that he was "troublit with ane asse,"—which might have caused great trouble had not pursuer comported himself patiently.—Pursuer and defenders appearing personally, the Lords assoilzie defenders, because they have denied on oath the charges foresaid, except that of the said David's having called pursuer "ane asse"; which the said David had done because pursuer had called *him* "a murtherair." Decreta Mar. 1616-Jan. 1617. Fol. 182, b.

Mr Walter Whitefurd, minister of Moffat, against Roger French, constable there, for misconduct.

Complaint by Mr. Waltir Quhytfurde, parson of Moffet, and one of the justices of peace within the Stewartry of Annandirdaill, as follows:—On 25th December last, Roger Frensche in Moffet, and David and Edward Fransche, his sons, assembled together a hundred persons on the lands of Moffet for the purpose of cutting through a passage to the river Annand, and of diverting the said river from its old channel through the said lands. Pursuer having heard of this, and that Robert Johnnstoun, tutor of Johnnstoun, or at least his tenants, who pretend right to the said lands, were determined to oppose this work, went, in virtue of his office as justice of the peace, to the said ground, and commanded Roger Frensche and his men to desist from their work. They, however, not only refused, but ordered pursuer to depart immediately; and the said Roger, who is a constable of the peace, disdainfully refused to obey him, and compelled the people to proceed with their work. The said persons were thereafter summoned before the bench of Annandirdaill; but they refused to appear, and were accordingly declared contumacious. Furthermore, on a day lately, on the occasion of a great tumult in the town of Moffet caused by Robert Grahame, servitor to James Johnnstoun of Lochhouse, the said Roger, as constable, was ordered to take the said Robert to the "most ewest jayll thair," to be detained till he found caution for his good behaviour; but the said Roger, on his own authority, put the prisoner to liberty.—Pursuer appearing personally, and defender not appearing, the Lords order defender to enter his person within the Tolbooth of Edinburgh, and to remain there at his own expense during their pleasure. They "did cleirlie and sufficientlie verifie and prove the dissobedience of the said Roger Frensche aganis the said justice of peace in maner foirsaid; for the quhilk caus the saidis Lordis hes found and decernit in maner foirsaid. And the saidis Lordis assoilzeis *simpliciter* the said Roger Fransche fra Fol. 183, a.

Decreta Mar. 1616–Jan. 1617.

the remanent headis, articlis, and clausis of this complaint, and decernis him quite thairfra in tyme comeing, because the said persewair succumbit and failyet in preving of the same aganis the said Roger."

Commissions. Fol. 3, a.

Commission for the trial of George Dickson for theft.

Commission under the Signet, signed by the Chancellor, Glencarne, Wintoun, Bining, and A. Drummond, to Johnne, Lord Hay of Yester, and his bailies of the barony of Yeaster, to try George Dicksone, son of the late Richard Dicksone in Nisbett, who was apprehended on May last by the said Lord Hay for stealing six ewes, six lambs, and two hoggs, from Thomas Kempt in Duncanelaw. On 19th June instant he was examined by the said Lord, and confessed his guilt. Prisoner is suspected of other acts of theft.

Sederunts. Fol. 135, b

Opinion of the Council in a matter referred to them by the Magistrates of Edinburgh anent the right of the Magistrates to proceed against a criminal.

"The quhilk day, ane supplicatioun being gevin in be the Provest and [Bailleis] of Edinburgh craving the Counsallis advise and opinioun how far thay had richt [to] proceid in the criminall persute of Burnett and , who wer tane reid hand for the murthour of umquhile Innes, committit be thame, under cloude of night, within this burgh, seing thair wes tua chairdgeis produceit aganis the said umquhile Innes, bothe proceding frome the Secrite Counsall, the one for the rapt and ravissing of the Laird of Innes suster, and [the] other for beareing and weareing of hagbutis and pistolletis,—the [Lordis] be thair interloquitour fand and declairit that the exceptioun foundit upoun the horning wes not relevant to lay the proces and tryall, because, the persute bothe for the rapt and ravissing being followit oute befoir the Secreit Counsaill, the actioun thairby become civile, and the hoirning following thairupoun and proceding frome ane civile judge wes ane civile hoirning, and thairfoir aucht not to stay proces."

Decreta Mar. 1616–Jan. 1617. Fol. 184, a.

Edinburgh, 25th June 1616.

Sederunt—Chancellor; Lotheane; Bugcleuche; Binning; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsyth; Medop; Sir Petir Young; Sir Peter Rollok; Sir James Skene.

Caption against George Lyell and John Stephen for debt.

Complaint by Johnne Ross, writer to the Signet, that George Lyell, younger, of Stenepeth, and Johnne Stephine in Morhame, remain unrelaxed from a horning of 4th June instant for not paying to pursuer 550 merks of principal and £40 of expenses.—Pursuer appearing personally, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and make inventory of their goods for the King's use.

Caption against Bellenden of Pendreich for debt.

Complaint by Margaret King, relict of David Hereot, goldsmith, burgess of Edinburgh, assignee of Johnne Hereot, tailor, burgess of Edinburgh, that Johnne Bellindane of Pendreich remains unrelaxed from a horning of 24th April last for not paying to her £588 of principal and 100 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Caption against Alexander Thomson and three others for debt to John Anderson.

Complaint by John Andirsone, sometime in Innerlethame and now burgess of Edinburgh, that Alexander Thomsoun in Howlop, Waltir Purves in Innerletham, William Horsburgh in Hilhouse, and Johnne Megget in Caringtoun remain unrelaxed from hornings of 19th and 21st November 1612 for not paying to pursuer the following sums: Johnne Megget £40 of principal, and 33s. 3d. of expenses; Alexander Thomsoun, £19, 10s. of principal, and William Horsburgh, £15 of principal, with £4 of expenses equally between them; Waltir Purves 20 merks of principal, and 2 merks of expenses.—Pursuer appearing personally, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Decreta Mar 1616–Jan. 1617.

Edinburgh, 27th June 1616.

Sederunt—Chancellor; Bugcleuch; Binning; Burley; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsythe; Medop; Mr. Peter Rollok; Sir Peter Young; Sir James Skeine. Acta Mar. 1615–Aug. 1617. Fol. 37, a.

Assignation to Mr. John Aitchison, son of the late Master Cunyeour, of £4000 in payment of the residue of a sum owing to him by his Majesty for the purchase of the lodging in the Cowgate where the Cunyiehouse has been kept.

"Forsamekle as his Majesties Deputie Thesaurair, with advise of the Lordis Commissionaris of his Majesties Rentis, hes laitlie be his Majesties expres warrand and directioun bocht from Mr. Johne Aitchesoun, sone to umquhile Thomas Aitchiesoun, maister cunyeour, that ludgeing in the Cowgait of Edinburgh quhair his Majesties cunyeehous hes bene keepit thir mony yeiris bigane, for a certane sowme of money aggreit upoun betuix thame, lyke as the said Deputie Thesaurair hes alreddy gevin conditioun of payment to the said Mr. Johne of ane good pairt of the said sowme, and thair restis foure thowsand pundis thairof, quhairof the said Mr. Johne hes nouther gottin suirtie nor payment as yitt, and the said Deputie Thesaurair being willing to secure the said Mr. Johne of the said sowme of foure thowsand pundis: Thairfoir, with advise of the saidis Lordis Commissionaris of his Majesties Rentis, he hes assignit, and be the tennour heirof assignis, the said Mr. Johne to be payit of the sowme foirsaid be the takkismen and fermorarris of his Majesties customes oute of the first and reddiest of thair payment for the moneth of October nixttocome,—commanding heirby the saidis takkismen and fermorarris of the customes to mak payment to the said Mr. Johne of the said sowme of foure thowsand pundis oute of the first and reddiest of that dewtie addebtit be thame for his Majesties customes and appointit to be payit in the said moneth of October nixttocome, and to gif him suirtie for payment of the said sowme in the said moneth of October; quhilk payment or suirtie of payment to be maid be the saidis customaris to the said Mr. Johne salbe thankfullie allowit to thame in the first end of that monethis pay, and they salbe fred, exonerit, and releivit thair[fra]." Fol. 37, b.

Act for carrying into effect arrangements recommended for the en-

Preamble, similar to that in Acts *ante*, p. 528 and p. 543, to the effect that "the commissionaris and justiceis of peace nominat be the Lordis of Secret Counsall for sighting of the wayes and passageis within the boundis of

Acta Mar. 1615–Aug. 1617.

Eist Lotheane, and for causing of the same to be enlairgit, mendit, and maid passable for cotches and cairtis," have reported as follows :—" That that pairt of the way fra Dunglas burne to Hadderweike burne salbe mendit be the parrochynnairis of Auldhamstoke, Dumbar, Innerweik, Spott, and Fol. 38, a. Stentoun, and that the Erll of Home, the Laird of Innerweik, and provest of Dumbar haif the chairge and oversight of the worke; that pairt of the way fra Hadderweik burne to Pencraik to be mendit and enlairget be the parrochynnaris of Cunighame, Prestounkirk, Quhytekirk, and Quhittinghame, and that the Lairdis of Wauchtoun and Bas haif the oversicht of the worke; that pairt of the way fra Pencraik to Cottieburne to be mendit and enlairget be the parochynnaris of Hadingtoun, Bothanis, Garvall, Althanfoorde, and North Beruik, and that Sir Johne Seytoun, Mr. Patrik Hepburne of Smetoun, Sir Robert Hepburne of Aulderstoun, the Lord of Binningis baillie, and the provest of Hadingtoun haif the oversight of the woorke; that pairt of the way fra Cottieburne to Prestoun merche to be mendit and enlairget be the parrochynnaris of Gullane, Tranent, Morhame, Barro, Saltoun, Bowtoun, and Abirlady, and that the Erll of Wyntoun haif the oversicht of that worke; and that pairt of the way frome Prestoun merche to Edinburgh Brae to be enlairget and mendit be the parrochynnaris of Prestoun Pannis, Ormestoun, Keythe, Pencaitland, and Soutrae, and that the Erll of Lotheane, the Lady Lotheane, or thair baillies, and Johne Hammiltoun of Prestoun haif the oversicht of that worke. And the saidis commissionaris hes aggreit that quhair a cairt is employed to this service the cairt salbe comptit to fyve menis service." It is ordained that all the said persons carry out the above work under pain of being punished in their persons and goods at the will of the Lords, and of incurring the penalty of 20s. "for everie day that they or onie of thame sall absent thameselffis frome the said service."

Enlargement and repair of roads in East Lothian.

Fol. 38, b. The Lords, being informed that there is a quarrel between James Gordoun, brother of Sir Robert Gordoun of Lochinvar, knight, and Vaus, eldest son of Sir Johne Vaus of Longcastell, knight, "anent ane seate or dask in the kirk of , whairunto ather of thame clames right, and for whilk they maid ane grite disordour and trouble in the kirk in time of devyne service," hereby order the said James and Sir Robert Gordoun, and the said Sir Johnne Vaus and his son, to appear before them on 11th July next, and in the meantime to find caution to keep the peace, in these sums:—Sir Robert Gordoun [10,000] merks; Sir Johnne Vaus, £5000; and the said James Gordoun and Vaus, 5000 merks each.

Charge to Gordon of Lochinvar and his brother and Vaus of Longcastle and his son to keep the peace.

Fol. 39, a. "The quhilk day Sir Williame Levingstoun of Kilsythe, and James Murray, Maister of Worke, tua of the commissionaris nominat be the Lordis of Secreit Counsall for surveying of the Torwode, maid thair reporte unto the Lordis of Secreit Counsall that, according unto the commissioun grantit unto thame [*ante*, p. 533], they had surveyed the said haille woode and considerit the same, and fand that thair wes a

Report of the surveyors of the Torwood.

necessitie of cutting of the said wode, and thairefter of haining of the same; and that the tymmer within the wode, deduceing the bark and the beugh quhilk perteynis heretablie to the foster, wald be worthe ten thowsand pundis; and that the bigging up of the dykes of the same wode wald coist v^{m} merkis." Acta Mar. 1615–Aug. 1617.

Edinburgh, 27th June 1616.

[Sederunt as recorded above.]

Decreta Mar. 1616–Jan. 1617. Fol. 185, a.

John Airth against the bailies of Anstruther for wrongful arrest and imprisonment: defenders assoilzied.

Complaint by Johnne Airth, son of the late William Airth, burgess of Couper, as follows:—On a day in May 1615, George Hammiltoun, then bailie of the burgh of Anstruther, accompanied by James Anstruther, burgess of the said burgh, Johnne Anstruther, clerk thereof, and others, all armed, went from the burgh of Anstruther to the town of Silver Dykis, and searched for pursuer. Having learnt that he was in the house of Alexander Cragy, they went thither, and besieged the same, avowing with many horrible oaths that, if pursuer did not come forth, they would pull down the house about his ears; and, when he did come forth, he was so fiercely attacked that he would have been slain had he not been rescued by the inhabitants. Moreover, on a day in June thereafter, the said George Hammiltoun apprehended pursuer within the burgh of Fol. 185, b. Anstruther, and detained him in the tolbooth for 8 days and nights, till he subscribed a band never to sue lawburrows of the bailies before the Privy Council; and, on a day in May, Robert Alexander and William Blak, now bailies of the said burgh, arrested pursuer, and kept him prisoner in the said tolbooth.—William Blak and Robert Alexander, bailies of Anstruther, and George Hammiltoun and James Anstruther appearing personally, and the said Robert Alexander and William Blak exhibiting pursuer, it is declared, regarding the arrest of the said John Fol. 186, a. Airth, in May last, that the said Johnne Airth had assaulted Margaret Simsoun, "servitrice" to Robert Alexander, and had wounded her in divers parts; for which he was accordingly arrested and put on trial. Then, "for uttering of divers proud and uncomelie speitcheis aganis the magistratis of the said burgh in judgement, he wes convict thairof be the haill assyse, and decernit in a pane and unlaw of ten pundis, and to crave the magistratis forgevnes upoun his knees," as is proved by production of the "rolment of court," signed by Johnne Anstruther, clerk thereof. The defenders George Hammiltoun and James Anstruther further declare that, the said Johnne Airth having pursued the said Robert Alexander with intent to have bereft him of his life, the said George, as bailie, had charged him to enter himself in ward when he came to the burgh a few days after; whereupon pursuer had refused, and, drawing his sword, had threatened the said George; for which, having been apprehended and committed to ward, he was afterwards put on trial and convicted,—as the "rolment of court," signed by the said Johnne Anstruther, testifies. Defenders altogether deny the charge anent the band, and "renuncit the said band gif ony suche bande be

Decreta Mar. 1616-Jan. 1617.

extent.' They aver, moreover, that pursuer is "a verie turbulent, unrewlie, and unquiet persone, and, having no trade, handling, nor occupatioun within the said burgh, nor nothing to do thair, and not being a burges nor indwellair within the same, he notwithstanding resortis and repairis thairunto, and committis mony abuseis, disordoris, and insolenceis and misreulis within the same, to the grite greif, trouble, and annoyance of the magistratis and inhabitantis of the said burgh."—Having heard the allegations of both parties, the Lords assoilzie defenders, and order pursuer not to repair hereafter to the burgh of Anstruther, authorizing the bailies, if he shall do so, to commit him to ward and detain him at his own expenses till he obey the aforesaid sentences pronounced against him, and till he be freed by the Lords.

Fol. 186, b.

Caption against David Lindsay of Auchnadie for failure in his caution for the Earl of Crawfurd.

Complaint by Johne Hereot, tailor, burgess of Edinburgh, that David Lindsay of Auchnadie, as cautioner for David, Earl of Crawfurd, remains unrelaxed from a horning of 8th December 1615 for not paying to pursuer 200 merks of principal and £40 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 187, a.

Caption against Lady Ravenscraig for debt.

Complaint by Johnne Dalgleische, son of the late James Dalgleische, merchant burgess of Edinburgh, that Jeane Cokburne, Lady Ravinscraig, remains unrelaxed from a horning of 26th March last for not paying £327 of principal and £40 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard for apprehending defender, seizing her houses, and making inventory of her goods.

Acta Mar. 1615-Aug. 1617.

[No record of Sederunt.]

Edinburgh, 29th June 1616.

Fol. 39, a.

Submission of Gordon of Lochinvar and Vaus of Longcastle.

"The quhilk day in presence of the Lordis of Secreit Counsall compeirit personallie Sir Robert Gordoun of Lochinvar, knicht, and Sir Johne Vas of Longcastell, knicht, and gaif thair grite and solemne oathe that nane of thame beiris quarrell or grudge the one aganis the other. And the said Sir Robert gaif his solemne oathe that he nor nane of his causing or command sall assist James Gordoun, his bruther, aganis the young Laird of Barnebairaugh. And the said Sir Johne gaif his grite and solemne oathe that he nor nane of his causing or command sall assist his sone aganis the said James Gordoun."

Minute Book.

The *Minute Book of Processes* gives the following memoranda collectively for the month of June 1616:—

Rebellion: Elspeth Lindsey against Johnne Jardin.
Imprisonment: William M°Corkell against Earle Cathnes.

Proces: Johne Maxwell against M^cNaucht and his tutour to accept of ane assythment for slaughter of M^cAuchtis father. Minute Book.

Suspensione; Hary Greg against Thomas Young.

Suspension: Georg Gordon against Alexander Gillan.

Rebellion: James Lennox against Paull Dog.

Proces: Lauchlan M^cIntosh against James Cumin, to hear and sie it found that Thomas Cumin, elder, &c., wer pertakeris with Marquis of Huntly in the feid betuixt him and the Earle of Murray.

Letteris to be putt to libertie: Adam French against Sir John Hoome.

Proces: Lokart of Lie against Gideon Weir, nottar, for ane offence committed against the said Laird.

Rebellion: Thomas Sinclar against Hew Maxwell.

Petition: Advocat against the flesheoris of Edinburgh for contraventione of ane act discharging slaying or eating flesh in Lent.

Ryott: Johne Dumbar against Dumbar of Westfeild.

Rebellion: Johne Hamiltoun against Hew Rosse.

Oppression; Maxwell and Glendining against Johne and Archibald Hereises.

Proces: Advocat against Johne Ellot for wearing of pistolletis.

Rebellion: Thomas Adinstoun against Hary Wood.

Supplication: Baylies of Hamiltoun craving ane impost to repair the bridg of Bothwell.

Proces for directing cartallis against Glendining of Portun [Partoun] and Glendining of Drumrosse.

Ryott: Alexander Charteris against William Kilpatrik.

Proces: Advocat against Gordon of Ardlogie for contraveening ane act of caution to passe furth of the toune of Edinburgh.

Proces for a found hoord: Advocat against Thomsone, &c.

Ryott: Mr. Johne Tennent against Thomas Turnbull.

Ryott and oppressione: Margaret Forbes against Sir William Sinclar.

Decreit: Lord Forbes against Earle of Cathnes, &c., for produceing of Allaster Robson, who had brunt the Lord Forbes and his tenentis cornes.

Suspension: Adam and Alexander Hayes against Advocatt and Lady May.

Letteris to be putt to libertie: Alexander Gilchryst against the magistratis of Stirling.

Precognition against Master of Elphinstoun and Sir Andro Rollok.

Proces: Lord Forbes against Robert Keith for the ryotous hereing of some falcon nestis pertaining to the persewer.

Oppressione: Mr. Walter Whytfoord against Roger French, &c.

Ryott: Boswall of Pittedie against Boswallis; *et e contra.*

Ryott: Advocat against Dempster and utheris.

Oppressione: Irwing of Drum, &c., against Menzes of Pitfoddellis, &c.

Rebellion: Margret King against Johne Ballenden.

Rebellion: Johne Anderson against Georg Taitt.

Rebellion: Johne Rosse against Georg Lyll.

Minute Book.

Ryott: Johne Airth against George Hamiltoun, &c.
Proces of slander: Laird Lie against Gideon Weir.
Rebellion: Johne Herot against David Lindsey.
Rebellion: James Dalgleish against Jean Cokburne.
Extract of act of cautione for Sir Dougall Campbell.
Supplicatione: Magistratis of Edinburgh craving ther concurrence may be sought to the imprisoning of persones within Edinburgh.

Acta Mar. 1615-Aug. 1617.
Fol. 39, a.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Hammiltoun; Mar; Wyntoun; Scone; Binning; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsythe; Mr. Peter Rollok; Sir Peter Young; Sir Andro Ker; Sir James Skeene. Edinburgh, 2nd July 1616.

Decision of the Lords in the matter of a tumult in St. Cuthbert's kirk last Sunday, raised by Sir Robert Crichton of Cluny in resisting his arrest by three of the Guard.

"The Lordis of Secreit Counsall haveing hard the complaynte maid be the ministeris and sessioun of St. Cuthbertis kirk, tuitcheing the grite insolence and tumult that wes raised within the said kirk upoun Sonday last the last day of Junij now bigane, in tyme of preacheing, betuix Sir Robert Creichtoun of Cluny, knicht, and some of his Majesties Gaird, who come to the said kirk to haif tane and apprehendit the said Sir Robert, betuix whome swordis wer drawne and a grite tumult raised within the kirk, to the offence of God, scandaill of the relligioun, and to the grite greiff of the haill parrochynnaris and utheris convenit at the sermone for the tyme; and the saidis Sir Robert Creichtoun, and Robert, Patrik, and Robert Murrayis, thrie of his Majesties Gairde, who wer the principall actoris in this bussynes, being this day brocht to thair
Fol. 39, b. ansueir befoir the saidis Lordis and examinat thairupoun; the said Sir Robert, for purgeing him selff as being author of that tumult, declairit, that, he haveing repairit that day to St. Cuthbertis kirk for heiring of the sermone and haveing sittin in the said kirk fra sevin of the cloke in the morning till aboute mid preacheing, he persavit ane boy of the Erll of Tullibairdynis come to the kirk dur and looke quhair the said Sir Robert satt, and, he apprehending that he wes ane spy, and fearing that some evill wes intendit aganis him be the said Erll, who had bothe socht his land and lyffe, he thairfore resolvit quietlie to go oute of the kirk and to convoy himself away the best way he could; And, haveing rissin oute of his saite to haif gone oute, in the meantyme thir three gentilmen of the Guard, who wer sitting behind him, rais up and stayed him to go oute, saying they had a warrand to tak him. And, he desyring inspectioun of the warrand, and persaving that the Capitane of the Gaird had not under his handwritt upoun the bak of the warrand gevin ane particulair command to the Gaird to tak the said Sir Robert, he alledgeit the warrand wes not lauchfull nor sufficient, and sua he refuisit to be tane. Quhairupoun the said Robert Murray drew his sword; whilk wes the caus of the tumult. Quhairunto it wes replyit be the saidis Robert, Patrik, and Robert Murrayis that, the Erll of Tullibairdine haveing

gevin unto thame ane warrand and commissioun of the Counsall for tak- Acta Mar. 1615-Aug. 1617.
ing and apprehending of the said Sir Robert, and they being informed that he wes that day gone to St. Cuthbertis kirk, thay come to the said kirk of purpois to haif stayed the preacheing, and on nowayes to haif troublit the said Sir Robert quhill the preacheing wer endit; bot he, persaveing thame in the kirk, raise oute of his seate, purposeing to haif gone away; whair-upoun they come to [him, and] tauld him thay had ane warrant to tak him, whilk they produceit and shew unto him, and desyrit him to stay in the kirk quhill the [dis]solving of the people, and then thay sould convoy him quietlie to ane chalmer withoute harme; and assurit him, yf he went oute of the kirk, that he micht gett skaith, seeing thair wes some of the Erll of Tullibairdines folkis in the kirk yaird, who wald not suffer him to go away. But the said Sir Robert not onlie refuisit to stay, bot he and his sone drew thair swordis; whilk wes the caus of the [tumult] within the kirk. Quhilk ansueir and reply being hard and [consid]derit be the saidis Lordis, and they haveing alsua hard the [de]positionis of certane personis who wer produceit as wit[nesis be] the said Sir Robert, and admittit be the saidis Robert, Patrik, and Robert Murrayis, for proving of the first drawing of [swordis]; they haveing alsua seene the warrand and commissioun [of Coun]sall gevin to the Gaird for taking of the said Sir Robert, quhilk warrand wes raisit at the instance of Walter, Lord Fol. 40, a.
Blantyre, and proceidit upoun ane horning uset and execute at his instance aganis the said Sir Robert for not payment making to him of the sowme of iiij^{m}ij^{c} merkis as principall and iiij^{c} merkis of expensis,—unto the quhilk sowme and letteris of horning and all that concernis that mater the said Walter, Lord Blantyre, maid and constitute the said Erll of Tullibairdin his assignay, as the said Erll constantlie and confidentlie reportit and declairit to the saidis Lordis; and the saidis Lordis being well advisit thairwith, and with all that wes alledgeit, proponit, and spokin in this mater: the Lordis of Secreit Counsall findis and declairis that the commissioun foirsaid gevin to the Gaird for apprehending of the said Sir Robert wes ane sufficient, goode, and lawfull warrand, althocht the Capitane of the Gaird gaif no directioun under his hand upoun the bak thairof, and that the Erll of Tullibairdin, as assignay constitute be the said Lord of Blantyre, had goode interesse to sue for executioun of the said warrand; and alsua the saidis Lordis findis and declairis that the said Sir Robert and his sone drew the first swordis within the kirk, and sua gaif occasioun of the trouble and tumult that wes raised within the same, it being sufficientlie verefiet and provin be the witnesis produceit be the said Sir Robert himself that he and his sone wer the first draweris of swordis; as alsua findis and declairis that the saidis Robert, Patrik, and Robert Murayis hes committit ane verie grite oversicht and offence in preassing to tak the said Sir Robert within the kirk upone a Sonday befoir noone in tyme of devine service, and that the said Sir Robert committit the lyke grite offence by his violent resisting of thame with drawne swordis within the kirk; and thairfore decernis and ordanis the

Acta Mar. 1615–Aug. 1617.

saidis Robert, Patrik, and Robert Murayis to address thameselfis to the sessioun of St. Cuthertis kirk upoun Thurisday nixt, quhilk is thair sessioun day, and thair to acknawledge thair offence done to the Kirk and to offer thameselffis in thair will, and upoun Sonday nixt that thay go to the kirk and to the place of repentance, and thair efter sermone that thay acknawledge thair offence done to the haill congregatioun, and crave God and thame forgifnes. And, whairas the said Sir Robert wes tane upoun a lawfull commissioun proceiding upoun letteris of captioun, the Lordis ordanis him to be committit to wairde within the Tolbuithe of Edinburgh quhill he obteine himself relaxit fra the said horning."

Decreta Mar. 1616 Jan. 1617.

[Sederunt as recorded above.]

Edinburgh, 2nd July 1616.

Fol. 187, b.

Caption against Sinclair of Blans for debt.

Complaint by Robert Gordoun in Den that William Sinclair of Blans remains unrelaxed from a horning of 19th June last for not paying 400 merks of principal and 100 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

The parishioners of Tullibody granted a toll for three years for repair of their bridge.

Petition by the parishioners of Tullibody as follows :—The bridge of Tullibody, which has four "bowis," and stands in one of the most common highways of the kingdom, is now very ruinous; but, if care be taken by repairing some of its defects, it will not fall down. The parishioners, however, are able neither to bear the expense nor to uphold the bridge when repaired. "And, since his Majestie is looked for, God willing, to be in this kingdome the nixt yeir, and that his passage fra Striveling to Dunfermeling is be the said brig, necessar it is thairfore that with all convenient diligence the said brig be helpit and repairit"; and petitioners crave an act granting them the right to levy the following duties to be used in the maintenance of the said bridge :—for every footman, 2d.; for every horseman, 8d.; and for every horse laden with whatever commodities, 12d.—The Lords grant petition for three years, and give warrant to Thomas Ewing, portioner of Southfeild, and his deputies, to attend at the said bridge and uplift the said tax.

Fol. 188, a.

Commissions. Fol. 5, a.

Commission for the apprehension of George Gordon of Gicht, at the horn for recusancy, illegal use of firearms, assault, riot, and general contumacy.

Commission under the Signet, signed by the Chancellor, Sanctandros, Hammiltoun, Ja., Bishop of Glasgow, Mar, and Wintoun, to the Captain and Lieutenant of the Guard, to apprehend George Gordoun of Geycht, "ane profest and avowed papist," who, "in the pryde of his heart contemning and disdaining all kynd of procedour, alsweill ecclesiastique as criminall," has made himself eminent above other offenders, especially by the wearing of hagbuts, the assault on the brethren of Brunthill, and the murder of Frances Hay, and his refusal to appear for trial. Since he was put to the horn for these crimes he has been summoned before the High Commission of the Kirk for practising against the religion; but he has refused to appear.

Mr. John Skene admitted to be deputy to the Clerk of Register.

"The quhilk day Mr. Johnne Skeene produceit befoir the Lordis ane commissioun of deputrie quhairby Sir George Hay, knight, Clerk of Register, maid him his depute for suppleeing his place and office in this approtcheing Exchekquer. Quhilk commissioun being red in audience of the Lordis, thay allowit the same, and tooke the said Mr. Johnes oathe for faithfull usin[g] of the said office." Sederunts. Fol. 137, b

Edinburgh, 4th July 1616.

Sederunt—Chancellor; Bishop of Sanctandrois; Bishop of Glasgow; Mar; Scone; Bugcleugh; Binning; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsythe; Medope; Sir Andro Ker; Sir Peter Young; Sir James Skeene; Mr. Peter Rollok. Acta Mar. 1615–Aug. 1617. Fol. 40, a.

Charge to the Sheriff of Forfar and his deputes to delay no longer in bringing to trial certain Gipsies apprehended in Angus, and now in the tolbooth of Dundee.

"Forsamekle as, a nomber of the counterfute thevis, vagaboundis, and lymmaris, callit the Egiptianes, being tane and apprehendit be the justiceis of peace within the boundis of Angus, and be thame enterit in wairde within the tolbuithe of Dundie, and, informatioun thairof being maid to the Lordis of Previe Counsall, they past and exped ane commissioun to Lord Gray, schiref principall of Forfar, and his deputis, within quhais boundis and office the saidis counterfaite theives and lymmaris remainit, for putting of thame to the knawledge of ane assyse and ministring of justice upoun thame in maner specifiet in the said commissioun [see p. 559], the executioun quhairof hes hithertillis bene postponit be the said Lord Gray and his deputis upoun some frivolous and impertinent resonis, pretextis, and excuisis pretendit be thame, sua that the saidis lymmaris ar putt in hoip of impunitie and favour, and the magistratis of the burgh of Dundie ar troublit and weireit with the keiping and enterteyning of thame,—Thairfore the Lordis of Secreit Counsaill ordanis letteris to be direct chairgeing the said schiref of Forfair and his deputis to put the saidis theivis and lymmairis to the knawledge of ane assyse, and to proceid and minister justice upoun thame, conforme to the commissioun grantit to thame for that effect, within dayis nixt efter they be chairgeit thairto, under the pane of rebellioun and putting of thame to the horne, or ellis that they compeir personallie befoir the saidis Lordis upoun the day of and bring, present, and exhibite with thame the saidis counterfoote thevis and lymmaris, to the effect the saidis Lordis may gife ordour and directioun for thair punishement as accordis, with certificatioun to the said schiref and his deputeis, and they failyie, letteris salbe direct *simpliciter* to put thame to the horne." Fol. 40, b.

Edinburgh, 4th July 1616.

[Sederunt as recorded above.]

William Mustard and others against John Whitsome and others for assault and oppression:

Complaint by William Mustard in Couper Grange, James and George Mustard there, and George Simpsoun, "beddall" at the kirk of Bendochie, as follows:—Johnne Quhitsome in Couper Grange, and George Dicksone in Balmylne, with others, all armed, went to the dwelling house of George Moreis in Couper of Angus, where the said James Mustard was sleeping Decreta Mar. 1616–Jan. 1617. Fol. 188, a.

ecreta Mar. 1616–Jan. 1617.

in bed, and, entering his chamber, laid hands on him, took away his sword, "quhinyeair," and other weapons, and thereafter attacked him and the other pursuers with drawn swords. The said George Simpsoun was mutilated in the right hand, and the others received divers deadly wounds. Afterwards the said defenders, all armed with "swerdis, gantillatis, halbertis, steilbonnetis, Jedburgh staulffis, and utheris wapponis," lay in wait for pursuers in the highway and upon the fields between Couper in Angus and the town of Couper Grange, so that defenders dared not for fear of their lives to return home that night or the next morning.—Pursuers appearing personally, and the said Johnne Quhitsone and George Diksoun being also personally present, the Lords assoilzie defenders, because the charge has not been proven. defenders assoilzied.

ol. 188, b.

Complaint by Johne Flukair, surgeon, burgess of Edinburgh, and Margaret Jerdane, his spouse, that Johnne Jerdane of Apilgirth remains unrelaxed from a horning of 20th May last for not paying to pursuers £57 of principal and 20 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Caption against Jardine of Applegarth for debt.

'ol. 189, a.

Complaint by Jeane Dumbar, daughter of James Dumbar in Overtoun of Hemprigis, and the said James Dumbar for his interest, as follows: —On a day in October 16 , the said Jeane was going between Nethirtoun and Overtoun of Hemprigis, when Andro Cruikschank in Achnahandnet, Donald Miller in Muchrache, Thomas Tailyeour in Kingorth, and Johne Thomesoun, servitor to Patrik Grant of Rothiemurcus, went to her, by special direction of the said Patrik Grant, and Johnne Grant, his eldest son, and fiercely set upon her without pity, "scho being a young damosell not past threttene yeiris of aig." They hit her with "grite treis and rungis," and left her for dead.—Defenders had been summoned to appear this day; and James Warrand, burgess of Forres, Johnne Sym in Hatoun, Thomas Gillen there, Thomas Patirsoun there, Alexander Watsoun, portioner of Coutfauld, "*alias* callit the laird," Nicoll Tarres there, Alexander Tulloche of Tannacheis, Thomas Tulloche, his son and heir, and Robert Tulloche, also his son, had also been summoned to bear witness in this matter; and now, pursuers appearing by Johnne Dumbar, apparent of Hemprigis, and the said Patrik Grant of Rothiemurcus, Johnne Grant, his son and heir, Andro Cruikschank, Donald Miller, Thomas Tailyeour, and Johnne Thomesoun, defenders, and Alexander Tulloch of Tannacheis, Thomas Tulloch and Robert Tulloch, his sons, James Warrand, Johnne Sym, Thomas Gillen, Thomas Porteous, Alexander Watsoun, and Nicoll Tarres, witnesses, not appearing, the Lords order the said defenders and witnesses to be declared rebels. Jean Dunbar against Grant of Rothiemurcus and others for assault: defenders, and certain witnesses that had been summoned, denounced for non-appearance.

Fol. 189, b.

Complaint by James Strauchane, notary, burgess of Dundie, that Laurence Narne of Tullifergus remains unrelaxed from a horning of 21st February last for not paying and delivering to him 6 score of salmon, as yearly duty for the fishing of Keith upoun the water of Erich, for the Caption against Laurence Nairn of Tullifergus for non-pay-

ment of fishing and other dues to James Strachan.

years 1609, 1610, and 1611, or 20s. for each salmon; together with 12 cartloads of peat yearly for the said years, or 6s. 8d. for each cartload, and £10 of expenses and 40s. of collector's silver.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta Mar. 1616–Jan. 1617. Fol. 190, a.

Caption against Bellenden of Pendreich for debt.

Complaint by Mr. Waltir Bellindane, and Jeane Hammiltoun, his spouse, that Johnne Bellindane of Pendreich remains unrelaxed from a horning of 24th May last for not paying to them 2500 merks of principal and £200 of expenses.—Pursuers appearing by Archibald Douglas, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Protest by Robert Forbes and William Keith.

Robert Forbes in Tartowie and William Keyth in Auchanlich, appearing in answer to the summons raised at the instance of Gilbert Thomesone, sheriff clerk depute of Abirdene, and Jeane Seatoun, his spouse, on a charge of having gone on 5th August last, "quhilk wes the day of his Majesteis deliverie frome Gowreis treasoun," to the said Gilbert's house, and there assaulting him and his spouse, protest that, inasmuch as the said Gilbert and his wife do not appear, they shall not be holden to answer further, and that their expenses shall be paid. Fol. 190, b.

John Hutson against George Mustard and others for assault and continued molestation.

Complaint by Johnne Hutsoun, younger, in Couper Grange, as follows:—On 17th February 1615, George Mustart, *alias* Wobster, in Couper Grange, accompanied by James Small, his servant, William and James Mustart, nephews of the said George, William Duncane in Ketrik, William Rae in Couper, George Simsoun at the kirk of Bennechie, and David Moreis, son of George Moreis in Couper of Angus, all armed, committed a fierce assault at night on pursuer "at the said George Moreis his yaird heid in Couper." They broke his sword, knocked him down, and gave him three deadly wounds, two on the back, and one on the neck. Again, on the 21st of the same month, the said George Mustard, accompanied by George Campbell in Couper, James Pittillo there, Thomas Andirsoun, messenger there, Leonard Andirsoun, brother of the said Thomas, George Thomesoun, mason in Couper, Johnne and James Hynd there, the said James Mustard, and Andro Symsoun, "chopman" in Couper Grange, with others to the number of twenty, all armed, went from Couper to Couper Grange and pursuer's house, where pursuer was lying bedfast "under cure of his saidis woundis, and thair set the said house about at all pairtis, and had not faillit to have murdreist and slane the said complenair within his awne house, wer not be the providence of God the duris of his chalmer quhair he lay wer closit upoun thame. And than, forgaddering with James Adame, his servant, thay upbraidit him with mony injurious and reprotchfull speitcheis, and thairefter pat violent hand in him, strak him with thair handis and nevis on the face, pullit out swerdis, and thairwithall invaidit and persewit him of his lyff, and chaissit and housit him in his said brutheris house, and besedgit him thairintill a long tyme. And in lyk Fol. 191, a.

Decreta Mar. 1616–Jan. 1617

maner the saidis personis come immediatlie and went throw the town of Couper Grange, with mony oyisis and cryis provoking the said complenair and his said bruther to come furth of thair house gif thay durst, saying thay wer 'fals feblis and fleyit cairles, and wer hiddin in swyne crooves and middingis,' sua that the saidis complenaris durst not, as thay dar not yit, nather repair furth of thair housis, nor yit to thair parroche kirk, for feir of thair lyveis."—Pursuer appearing personally, and defenders being also present, the Lords find the charge proven against James and William Mustard, William Rae, and David Moreis, and order them to be detained in the Tolbooth of Edinburgh at their own expense during the pleasure of the Council, and further that they pay to pursuer the sum of 40 merks for the injury done to him. The Lords assoilzie George Mustard, William Duncane, George Campbell, James Pitillo, Thomas and Leonard Andirsoun, George Thomesoun, Johnne and James Hyde, Andro and George Simpsoun, and James Small. They further order that both parties find lawsurety under the pain of £100, and that they do not depart from Edinburgh till they have found the same, under pain of horning.

Fol. 191, b.

Commissions. Fol. 4, a.

Commission for the trial of a vagabond.

Commission under the Signet, signed by the Chancellor, Sanctandrois, Mar, and Ja., Bishop of Glasgow, to George Auchinleck, sheriff depute of Beruik, to try Bukholme, a vagabond, who was apprehended on June last "in the verie act of the bestlie and abhominable abuseing him selff with ane mere," and was delivered into the custody of the said sheriff depute.

Fol. 4, b.

Commission for the trial of Dionysius Inglis for horse-stealing.

Commission under the Signet, signed by the Chancellor, Bining, Scone, and Murray, to James Inglis of Braidlie, bailie of William, Earl of Angus, in the barony of Dowglas, to try Dioneis Inglis in , who was apprehended on June last for stealing a horse from Mr. Petir Prymrois, minister at Mauchline, and was delivered into the custody of the said bailie.

Fol. 235, a.

Commission for the trial of Gipsies now in Dundee Tolbooth, with instructions for the sentences.[1]

Commission under the Signet, signed by the Chancellor, Sanctandrois, Ja., Bishop of Glasgow, Binning, and A. Drummond, to the Sheriff of Forfar and his deputies, to try certain common thieves, called "Egiptianis," now in custody in the Tolbooth of Dundie for contravening the Act of Parliament of 24th June 1609, by not departing from the realm. "If it be fundin and tryit be the assyse that they ar callit, knawin, repute, and haldin Egiptianis, that our saidis justiceis pronunce sentence of death, and caus the same be execute upoun twa of the principallis of the men, and twa of the principallis of the women; and that they pronunce sentence of banishment aganis the remanent of thame, and caus thame be scourgit throw oure burgh of Dundie."

Acta Mar. 1615–Aug. 1617. Fol. 40, b.

Edinburgh, 5th July 1616.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Mar; Scone; Bugcleugh; Bining; Master of Elphinstoun;

[1] This commission is undated; but it may be placed here, as it is obviously referred to in the entry on p. 556. See also the entry in the *Book of Sederunts* under 16th July.

Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsythe; Medop; Sir Andro Ker; Sir Peter Young; Sir James Skeine; Mr. Peter Rollok. Acta Mar. 1615–Aug. 1617.

The Presidency of the Council, with all the powers of that office in the absence of the Lord Chancellor, conferred by his Majesty's warrant on Lord Binning, who has just been elected President of the College of Justice, in room of the deceased President, Mr. John Preston of Pennicuik.

"The quhilk day the lettir underwrittin, signed be the Kingis Majestie and direct to the Lordis of his Majesties Previe Counsall, contening his Majesties choise and nominatioun of Thomas, Lord of Binning, to supplee Fol. 41, a. the absence of his Majesties Chancellair in the Counsall by convening of the Counsall, asking of the voitis, and dischairgeing of everie thing belonging to the said place as President of the Previe Counsell, being presentit to the saidis Lordis and red in thair audience, the saidis Lordis allowit and allowis of the choise and nominatioun maid be his Majestie of the said Lord of Binning to supplee the absence of his Majesties Chancellair as President of his Majesties Counsall, and ressavit and admittit him to the said place to be posessit and brookit be him als weill as umquhile Mr. Johne Prestoun, laite President of his Majesties Counsall, held and brookit the said place. And the saidis Lordis ordanis his Majesties missive letter direct to thame for this effect to be insertit and registrat in the bookis of Secreit Counsall, thair to remane as ane warrand for this present act. Of the quhilk missive lettir the tennour followis—Richt trustie and right welbeloved cosen and counsellour, and richt trustie and welbeloved counsellouris, wee greet yow well.—Understanding that, by speciall choise and commoun consent of the whole Senatoris of our Colledge of Justice, the Lord Binning, oure Secretarie, is now elected and estabileshed their President, in lieu of Mr. Johne Prestoun of Pennycook, latelie deceised, and that the said laite President wes in his tyme authorized, by speciall warrant from us and act of Counsaill proceiding thairupoun, in absence of our Chancellair to supplie and dischairge his place in Previe Counsell as our President of the same, for the better manifestatioun of our speciall approbatioun of our Senats choise of the said Lord Binning to be thair President, and confirming him of our gratious opinioun towardis him, wee haif thocht goode, as a speciall badge thairof, to promove him to the lyke power and credite that the late President, his predicessour, possest in our Previe Counsaill in absence of our Chancellair. In whiche regairde it is our expresse will and pleasour that the said Lord Binning in absence of our Chancellair do at all tymes supplie his place by conveining of our Counsell, asking the voites, and dischairge of eache and everie thing thairto belonging, as our President of our said Previe Counsell. Whairanent as these salbe unto yow a sufficient warrant, so is it our further will and pleasour that ye caus inrolle and register the same in oure bookis of Counsell, to abyde and remaine thairin as a speciall warrant and recorde thairof in all tyme comeing. So we bid yow fairweell. At Greenwiche, the 24th of Junij 1616."[1]

[1] Mr. John Preston of Pennicuik, who had succeeded Lord Balmerino in the Presidency of the College of Justice in 1609, and had held also of late years the additional office of President of the Council in the Chancellor's absence (see Vol. IX. p. ix), had died on the 14th of

ederunts. ol. 137, b.

"Ane letter frome his Majestie concerning the Marquis of Huntlie and his reentrie in warde, quhilk letter wes ordanit to be obeyit." Marquis of Huntly.

[No record of Sederunt.]

Edinburgh, 6th July 1616.

"The quhilk day, in presence of the Lordis Chancellair, President and Thesaurair Depute, compeirit personalie Coline Campbell of Lundye, and declairit that he had bene at courte and had conferrit with the Kingis Majestie, and the Erll of Ergyll, his bruther, anent that charge of the lieutennendrie over the Yllis whiche he wes burdynnit to undertak in his brutheris absence, and that he bothe refuisit to his Majestie and to his bruther to undertak on[y] suche chairge, and that he had gevin unto his Majestie satisfactioun anent the ressonis of his refusaill. Lyke as now in presence of the saidis Lordis he refuisit the said charge, promissing nevirtheles to do all the goode officeis he can to keepe the cuntrey under obedyence; and declairit that his bruther will be shortlie at hame to discharge his awne service him selff." Campbell of Lundie declines the Lieutenancy over the Isles in the absence of his brother, the Earl of Argyle

ol. 138, a.

cta Mar. 15–Aug. 17.

Sederunt—Chancellor; Hammiltoun; Binning; Lord Gordoun; Master of Elphinstoun; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Kilsythe; Medope; Sir Andro Ker; Sir James Skeene; Sir Peter Young; Mr. Peter Rollok. Edinburgh, 9th July 1616.[1]

ol. 41, b.

"The quhilk day the Lordis of Secreit Counsall, Commissionaris of his Majesties Rentis, according to ane warrant in write direct unto thame from the Kingis Majestie, ressavit and admittit, and be the tennour Sir William Livingston of Kilysth appointed one of the Commissioners of his Majesty's Rents in place of the deceased President Preston.

June 1616; and now, within ten days of his decease, as the present entry shows, the fortunate "Tam o' the Cowgate,"—originally Mr. Thomas Hamilton, then for a long time Sir Thomas Hamilton, but for some time now a peer by the title of Lord Binning and Byres,—had stepped into both the vacant offices. His official posts hitherto had been those of Lord Advocate, Lord Clerk Register, and Secretary of State, in succession; but henceforth he is to be known as Lord President. Even that was to be but a stepping-stone to higher honours.

[1] In Calderwood, under the date 8th July 1616, there is this important memorandum (vii. 218):—"Upon the 8th of Julie, in the packald of letters that came from the Court, mention was made that the Marqueis of Huntlie was receaved in the Kirk of England's favour by the Bishope of Canterburie, and had receaved the Communion notwithstanding of his excommunication in Scotland; which was thought verie strange by the people, and by the bishops themselfs,—in shew ane usurpation over them. But the wiser perceived well enough the meaning of these proceedings." A few days afterwards, Calderwood adds, Archbishop Spotswood, preaching in the High Church of Edinburgh, took occasion to refer to the matter. It was not his purpose to speak against any persons in eminent places, his Majesty having himself taken charge of the whole matter; but the Bishops and clergy must be excused if they expressed their regret when Papists were "so farre countenanced, not onlie in the north, but also in the verie heart of the countrie.' Such is Calderwood's report; but it will be best to quote the whole of Spotswood's own account of the important affair, as it is carefully inserted by him in his *History* (pp. 525–528). It is necessary only first to remind the reader that the great Roman Catholic Marquis, after having been a prisoner for two years in Stirling Castle on account of his obstinate nonconformity in religion, had been liberated in January 1611, and had since then been going about in his Strathbogie and other domains in the north, still unrelieved from his old ecclesiastical sentence of excom-

heirof ressavis and admittis, Sir Williame Levingstoun of Kilsythe to be one of the commissionaris of his Majesties rentis, in the place of umquhile Mr. Johne Prestoun of Pennicooke, and authorizes him with all power requisite for discharge of that place. Lyke as, the said Sir Williame being personallie present, he gaif his oathe to dischairge the said place dewtifullie.—Followis his Majesties missive for the warrand of the act abonewrittin.—Richt trustie and right welbelovet [illegible]sen and counsellour, and right trustie and welbeloved counsellouri , wee greete Acta Mar. 1615–Aug. 1617.

munication, and still under certain nominal restraints imposed upon his movements by the Privy Council, but in reality very much his own master (see *ante*, Vol. IX. p. xxiii–xxiv). Spotswood's account, resuming the story of the Marquis in 1616, will now be intelligible :—"A new business was about the same time made by the Marquis of Huntly. Some eight years before he had been excommunicated, and, giving hopes from time to time of his reconcilement, did not onely frustrate the same, but, breaking out in open insolencies, had caused his officers discharge his tenants from hearing the sermons of some ministers with whom he made shew to offend. Being for this called before the High Commission, he was committed in the Castle of Edinburgh, and had not remained there two or three days when upon the Chancellor's warrant he was put to liberty. The Bishops that were in town, complaining to himself of that he had done, were disdainfully answered,—That he might enlarge without their advice any that were imprisoned by the High Commission; and, when it was told that the Church would take this ill, said that he cared not what their Church thought of him : whereupon the ministers made great exclamations in the pulpits as against one that abused his place and power. Complaints hereupon were sent from all hands to the King. The Bishops complained of the Chancellour his usurping upon the Commission, and to this effect directed Alexander, Bishop of Cathnes, to Court. The Chancellour complained of the turbulency of the ministers, and the liberty they took to censure the publick actions of statesmen in their sermons. The Marquis upon a suit he made before his imprisonment had obtained licence to come unto Court, and had taken his journey thither. But the King, upon the clergies complaint, sent Mr. Patrick Hamilton, then waiting as Secretary Deputy at Court, to command the Marquis to return and enter himself in the Castle of Edinburgh, for satisfying the High Commission ; withall he carried a letter to the Councell sharply rebuking them for releasing the Marquis, he being warded by the Lords of the Commission. The gentleman, meeting the Marquis at Huntingdon, within a daies journey to London, did use his message ; who intreated him to go back, and shew the King that he was come to give his Majesty satisfaction in every thing he would enjoyn, and to beseech his Majesty, since he was so farre on his journey, not to deny him his presence. The offer of satisfaction pleased the King very well, and, permitting him to come forward to Court directed him to the Archbishop of Canterbury [Dr. George Abbot], with whom he offered to communicate. His excommunication standing in the way, and it being contrary to the Canons that one excommunicated by the Church should, without their consent who had so sentenced him, be absolved in another, it was a while doubted what course they should take. The King on the one side was desirous to win him home, and on the other loath to infringe the Order of the Church; yet, inclining to have the Marquis absolved, it was thought that the Bishop of Cathnes his consent in the name of the clergy of Scotland was a warrant sufficient. Thus, the Bishop consenting, the absolution was given him in the Chappell of Lambeth by the Archbishop of Canterbury in this form—'Whereas the purpose and intendment of 'the whole Church of Christ is to win 'men unto God, and frame their souls for 'heaven, and that there is such an agreement 'and correspondency betwixt the Churches 'of Scotland and England that what the 'Bishops and pastors in the one, without 'any earthly or worldly respect, shall accom-'plish to satisfie the Christian and charitable 'end and desire of the other, cannot be 'distastfull to either,—I, therefore, finding 'your earnest intreaty to be loosed from the 'bond of excommunication wherewith you 'stand bound in the Church of Scotland, 'and well considering the reason and cause

Acta Mar. 1615-Aug. 1617.

yow well. Whereas thair is now voide, by deathe of the late President, Mr. Johne Prestoun of Pennycooke, a place of commissionar of our rentis to whiche he wes in his tyme providit, wee have maid speciall choise of Sir Williame Levingstoun of Kilsythe, knicht, one of the Senatoris of our Colledge of Justice, as one whome for divers goode respectis wee haif thocht worthie to be thairto preferred; requiring yow thairfore by these presentis to admitt and ressave the said Sir Williame to the said vacant place of commissionar of our rentis, and to authorize

'of that censure, as also considering your 'desire on this present day to communicate 'here with us, for the better effecting of this 'work of participation of the holy Sacra- 'ment of Christ our Saviour his blessed body 'and blood, do absolve you from the said 'excommunication, in the name of the 'Father and of the Son and of the Holy 'Ghost, and beseech the Almighty God 'that you may be so directed by the Holy 'Spirit that you may continue in the truth 'of his Gospell unto your lives end, and 'then be made partaker of his everlasting 'kingdome.' How soon it was known that the Marquis was absolved by the Archbishop of Canterbury, there were great exceptions taken by the Church, and the same interpreted to be a sort of usurpation: whereof the King being advertised, in a long letter written to the Archbishop of S. Andrews he did justifie the doing by these reasons:—'First, that in absolving the 'Marquis nothing was intended to the pre- 'judice of the Church of Scotland, but what 'was done was out of a Christian necessity, 'it being needful that the Marquis should be 'absolved before he was admitted to the 'participation of the holy sacrament. 'Secondly, he willed the Church to consider 'that his absolution at home was onely 'deferred upon the scruple he made of the 'presence of our Saviour in the sacrament, 'and that upon his confession, swearing, and 'subscriving the other points of religion 'they themselves had suspended his excom- 'munication, the lawfulness whereof he would 'not dispute but remit the same to the 'Canonists,— yet, the suspension stand- 'ing, it was not much from an absolution. 'Thirdly, that the absolution given him in 'England did necessarily imply an ac- 'knowledgement of the authority of the 'Church of Scotland, whereas if the Arch- 'bishop of Canterbury had received him to 'the holy communion and not first absolved 'him, being excommunicated by the Church 'of Scotland, the contempt and neglect had 'been a great deal greater. Fourthly, that 'the Marquis being come into England, and 'make offer to perform whatsoever should be 'required of him, it was more fit to take him 'in that disposition then to have delayed it 'unto his return into Scotland. For these 'reasons, he said, and especially because all 'that was done was with a due acknowledge- 'ment and reservation of the power and 'independent authority of the Church of 'Scotland,—which the Archbishop of Canter- 'bury had by his own hand testified,—it 'was his pleasure that upon the Marquis his 'return a full form of absolution should 'be given him, or a ratification made of that 'which was done in England; so as neither 'the Archbishop of Canterbury his doing 'should be disapproved as unlawfull, nor 'the same so approved as it might seem 'that the Church of Scotland was inferior in 'any sort to that of England; and that the 'Archbishop's letter written to that effect, 'should be put in record, and kept as a 'perpetuall monument for ages to come.' This letter, directed to the Archbishop of S. Andrews, I have thought here meet to be inserted. '*Salutem in Christo.* Because I 'understand that a General Assembly is 'shortly to be held at Aberdene, I cannot 'but esteem it an office of brotherly love to 'yeild you an accompt of that great action 'which lately befell us here with the Marquis 'of Huntley. So it was, then, that, upon the 'coming up of the said Marquis, his Majesty 'sharply entreating him for not giving 'satisfaction to the Church of Scotland, and 'for a time restraining him from his royall 'presence, the Marquis, resolving to give his 'Majesty contentment, did voluntarily proffer 'to communicate when and wheresoever his 'Highness should be pleased; whereupon 'his Majesty being pleased to make known 'that offer to me, it was held fit to strike 'the iron whilest it was hot, and that this 'great work should be accomplished before 'his Majesties going to progresse; whereunto 'a good opportunity was offered by the 'consecration of the Bishop of Chester, which 'was to be in my Chappell of Lambeth the

him with all power requisite for the dischairge thairof by act and ordinance of our Counsall, renewing of our said commissioun, or ony uther course whiche for that effect sall seeme to yow most expedient. Whiche as wee recommend to your caire and spedie performance, so shall these be to yow in that behalf a warrant sufficient. And wee bid yow fairwell. At Grenwiche, the 24th of June 1616." Acta Mar. 1615–Aug. 1617.

'seventh of this moneth, at which time a 'solemn communion was there to be cele- 'brated. The only pause was that, the 'Marquis being excommunicated by the 'Church of Scotland, there was in appearance 'some difficulty how he might be absolved 'in the Church of England; wherewith his 'Majesty being acquainted, who wished that 'it should not be deferred, we grew to this 'peaceable resolution, which I doubt not 'your Lordship and the rest of our brethren 'there will interpret to the best. For, first, 'what was to be performed might be adven- 'tured upon, as we esteemed, out of a 'brotherly correspondency and unity of 'affection, and not only of any authority; 'for we well know that, as the kingdome of 'Scotland is a free and absolute Monarchy, 'so the Church of Scotland is entire in 'itself and independent upon any other 'Church. Secondly, we finde by the advice 'of divers Doctors of the Civil Law, and men 'best experienced in things of this nature, 'that the course of ecclesiasticall proceedings 'would fairly permit that we might receive 'to our communion a man excommunicated 'in another Church, if the said person doe 'declare that he had a purpose hereafter for 'some time to reside among us,—which the 'Lord Marquis did openly professe that he 'intended, and I know his Majesty doth 'desire it; and for my part I rest satisfied 'that it can bring no prejudice, but rather 'contentment, unto you and to that kingdom. 'Thirdly, it pleased God the night before the 'celebration of the sacrament to send in our 'brother the Bishop of Cathnes, with whom 'I taking counsel, his Lordship resolved me 'that it was my best way to absolve the 'Lord Marquis, and assured me that it 'would be well taken by the Bishops and 'pastors of the Church of Scotland. I leave 'the report of this to my Lord Cathnes 'himself, who was an eye-witness with what 'reverence the Marquis did participate of 'that holy sacrament. For all other circum- 'stances, I doubt not but you shall be 'certified of them from his Majesty, whose 'gracious and princely desire is that 'this bruised reed should not be broken, 'but that so great a personage (whose 'example may doe much good) should be 'cherished and comforted in his coming 'forward to God: which I, for my part, doe 'hope, and firmly believe, that you all will 'endevour according to the wisdome and 'prudence which Almighty God hath given 'unto you. And thus, as your Lordship hath 'ever been desirous that I should give you 'the best assistance I could with his Majesty 'for the reducing or restraining this noble- 'man, so you see I have done it with the 'best discretion I could; which I doubt not 'but all our brethren with you will take as 'proceeding from my desire to serve God 'and his Majesty, and the whole Church 'of Scotland. I send you herewith the 'form which I used in absolving the Lord 'Marquiss in the presence of the Lord Primate 'of Ireland, the Lord Bishop of London, 'and divers others. And so, beseeching the 'blessing of God upon you all, that in your 'Assembly with unity of spirit you may 'proceed, to the honour of Christ and to the 'beating down of Antichrist and Popery, I 'leave you to the Almighty. From my 'house at Croyden, July 23, 1616.'"

From the dating of Archbishop Abbot's letter to Spotswood, it will be seen that the excitement over the affair of the absolution of the Marquis in England extended beyond our present point in the Register, and through the whole month of July. Perhaps what is most memorable in the affair is the evidence it affords of the growing dissension between what may be called the secular party in Scottish politics, as led by Chancellor Dunfermline, and the ecclesiastical party, as led by Archbishop Spotswood. These two statesmen, one sees, sat now together at the Council Board as avowed antagonists, mutually observant and mutually critical. King James, one also sees, though well aware of this difference, found no disadvantage in it, but controlled both parties, pressing down his foot now on the Dunfermline side of the balanced plank, now on the Spotswood side as suited himself.

Decreta Mar. 1616–Jan. 1617. Fol. 192, a.

[Sederunt as recorded above.]

Edinburgh, 9th July 1616. Isobel Lyon against her brother-in-law, James Blair of Brunston, for oppression and molestation.

Complaint by Issobell Lyoun, relict of Blair, maltman in Dundie, as follows:—James Blair of Brinstoun, brother-in-law of pursuer, has often sought to procure her "uther wraik and overthraw." On a day in September 1615, he went with some accomplices to the dwelling house and tenement of land in the Welgait of Dundie which belonged to her in liferent and to her son Johnne Blair heritably, broke up the doors of the said tenement, demolished the stable door, and cut down the whole ground kail in her yard. In the month of 1616, accompanied by David Blair, his servitor, and others, he broke open the doors of the said house, and cast in stones on three nights in succession. In January, February, and March last, he, with the same accomplices, lay nightly in the said yard and stable, and with arms besieged the house, of purpose to have entered and taken pursuer's life. Further to trouble pursuer, he had raised letters of lawburrows against her and a number of the poor seafaring men of Dundie, and in their absence from the country had them put to the horn, knowing that neither she nor the men could get themselves relaxed. Also, alleging that pursuer, as relict of his brother, should have confirmed his father's testament, he had caused her to be denounced rebel, although the said testament had been formerly confirmed.—Pursuer and defender appearing personally, the Lords assoilzie defender, because pursuer has failed in proof.

Fol. 192, b.

Counter-action by the said Blair of Brunston and his wife against said Isobel Lyon and others in Dundee.

Complaint by James Blair of Brinstoun, Sibilla Blair, his spouse, and Johnne Bennett, messenger, as follows:—On a day in July 1615, Johnne Lyoun and Andro Philp, indwellers in Dundie, and Issobell Lyoun, widow there, Mathie Persone there, Bessie and Elspeth Lyoun there, and Grissell Andirsoun there, went by way of hamesuckin to pursuer's house and yard in the Welgait of Dundie, whereof pursuer was in peaceable possession, and with the aid of others closed and filled up the gate of the said house, and would not suffer pursuers to have access. They cast

Fol. 193, a.

stones at them, and upbraided them, calling them "barne-braikairis, horse thevis, and come of thevis." On another occasion the defenders went to pursuer's yard, cast down the dykes, destroyed the kail therein, and at night struck George Barboure, servitor to the said James, upon the arm and head. On a day in January last, they "dang up" his "foiryet," filled the locks with small stones, and cut his yard gate with axes. On a day in March last, they came by night to the said yard, "tooke af the stones being thairon, houkit the ground of the said dyke, and maid it to fall upoun the kaill and hairbis within the said yard, and thairwithall distroyit the same, upbraidit the saidis complenaris with mony injurious and reprotchfull speitcheis, followit, schoutit, and hoyit thame throw the toun of Dundie." On a day in May last, defenders attacked the said Sibilla at the Murray Gait Porte of Dundie, "kaist hir in ane guttir, took hir head geir af hir head, and tred and trampit hir in the guttir." Pursuers having thereupon raised letters of complaint, and Johnne

Bennet, messenger, having proceeded to execute the same against defenders, they fiercely assaulted him and "brak his head": they broke his staff over him, and, taking his hat of his head, filthily abused the same. On another day Alexander Adam, servitor to the said James, "being executing ane summondis aganis the said Issobell Lyoun, and being delivering ane copie thairof to hir, scho violentlie kaist him over the hicht of hir stair, and strak and dang him to the effusioun of his blood in grite quantitie."—Pursuers and defenders appearing personally, the Lords assoilzie defenders, because the pursuers have failed in proof. Decreta Mar. 1616–Jan. 1617.

Caption against Walter Gledstanes for debt.

Complaint by Robert Scot of Hanying, that Waltir Gledstones, son and heir of the late James Glaidstones of Coklaw, remains unrelaxed from a horning of 6th June last for not paying 3130 merks of principal and 500 merks of expenses.—Pursuer appearing by James Connell, his procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 193, b.

Caption against James Keith of Kinadie for debt.

Complaint by James Edmonstoun, tailor, burgess of Edinburgh, that James Keyth of Kynnadie remains unrelaxed from a horning of 5th July last for not paying £210 of principal and £40 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard as above. Fol. 194, a.

Caption against Lord Scone for debt.

Complaint by Arthoure Stratoun, writer, that David, Lord of Scone, remains unrelaxed from a horning of 26th April last for not paying 350 merks.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Edinburgh, 11th July 1616.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Glencairne; Binning; Lord Gordoun; Master of Elphinstoun; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Kilsythe; Medop; Sir James Skeine; Sir Andro Ker; Sir Peter Young. Acta Mar. 1615–Aug. 1617.

Proclamation fixing certain Scottish ports from which alone there shall be commerce with Ireland, establishing regulations for such commerce, and appointing William MacLellan of Overlaw and John Cunningham of Raws commissioners for superintending the commerce at the ports established.

"Forsameikle as the Kingis Majestie and Lordis of Secreit Counsall ar suirlie informit that of laite yeiris the transportatioun of unlauchfull, suspect, and unavowable personis, and of guidis alsweill stollen as prohibite and uncustomed, hes bene verie frequent and commoun betuix the realmes of Scotland and Irland, withoute ony cair or ordour tane for trying, preventing, and punisheing of the same, whairupoun hes not followit onlie the encrease and number of theives and suspect personis, bot with that thair stouthes ar concealed and his Majesties subjectis harmed be thame ar disapointit and frustrate of the ordinar meines for tryall and discoverie thairof, heichlie to his Majesties offence and misregairde of all goode ordour and policie: And his Majestie forseeing that the designing of some speciall portes for transportatioun wald frustrat and disapoint the transporte of suche unlawful personis and goodis, and wald be a meane and furtherance to the discoverie of thame: Thairfore his Majestie, with Fol. 42, a.

Acta Mar. 1615–Aug. 1617.

advise of the Lordis of his Secreit Counsall, hes established, assignit, and ordanit, and be the tennour heirof establishes, assignis, and ordanis, the places and portis following to be the onlie places, portis, and bayes for transportatioun of personis and goodis and for loading and unloading of commodities and goodis comeing and going to and fra Irland:— to witt, for Galloway and Carrik, the portis of Corshorne,[1] Portpatrik, Kirkcudbricht, and Ballintrae; for Kyle, the porte of Ayr; for Cunniyhame, the porte of Irwing and Largie; and for Clyde, the portis of Glasgow and Dumbartane. And his Majestie, with advise foirsaid, doeth straitlie command, chairge, and inhibite all and sindrie maisteris, awneris, and marineris of shippis, boatis, crearis, and utheris veshellis, that nane of thame presoome nor tak upoun hand to loade or unloade and discharge ony kynd of merchandice, cattell, victuall, or uther commodities, nor to load or tak in ony passingeris, in ony uther place or placeis quhatsomevir bot at the designed and allowed portis abonewrittin, unles they be forced be wind and wedder and for saulftie of thair lyves and veshellis to tak land in some other placeis, under the pane of forfeytour and esheiting to his Majesties use of all suche goodis, merchandice, and uther thingis quhatsomevir that salbe loadned or unloadned to the contrair of this present act, and punishement of the maisteris, awneris, and marineris of the saidis shippis, boitis, crearis, and veshellis at the arbitrament of his Majesties Counsall. And, gif it salhappin that ony ship, boite, crear, or uther veshell salbe forced be wind and wedder to land and seik releiff in ony uther pairt, porte, bay, or creik, nor is abone designed and allowed, that everie passinger and mercheant

Fol. 42, b.

arryving at the saidis forbiddin portis, bayis, and creikis by storme of wind and wedder to land or seik releive sall come to his Majesties officeris or thair deputis attending and awaiting at the nixt designit and allowit porte, and produce unto thame thair pasportis and testimoniallis, and that they presoome not to dischairge or unload ony of thair commodities or goodis till first the customer or utheris officeris whome it concernis be certified of thair arrivall, and come and peruse thair loadning, and ressave suche a custome as to thame of right ar belonging, under the pane of escheiting and forfeyting of all the saidis goodis, geir, and merchandice so to be dischairgeit and unloadnit at the prohibite and forbiddin porte, and forder under the pane of punishement of the skipparis and marrineris at the arbitrament of his Majesties Counsall. And, whereas nomberis of offenderis and malefactouris doeth oftymes flie oute of this kingdome for awoiding and eshewing of punishement, and doeth commit frequent stouthis of cattell, hors, and scheip, and transporte the same to Irland, and from thense bringis in this kingdome suche commodities and goodis as they can get stollen thair, for remeid quhairof in tyme comeing, his Majestie, with advise foirsaid, commandis and ordanis that no persoun or personis quhatsumevir, of quhatevir rank, degree, or conditioun they be, except noblemen, knichtis, justices

[1] In the duplicate of this document among the *Miscellaneous Papers*, the word 'Corshorne' is changed to *Quhithorne*.

of peace, and gentilmen-undertakeris for the Irishe Plantatioun, and suche of thair houshold servandis as salbe in companie with thame at thair going to Irland for the tyme, presoome nor tak upoun hand to go to Irland, and that na maisteris, skipparis, boitmen, nor marrineris of ony veshellis transporte into Irland anie suche personis, withoute a testimoniall in write under the hand of the schireff of the shyre, stewarte of the stewartie, or convenair of the justices of peace within the shyre from whense the saidis personis comes, or from the provest and baillies of the burgh from whense they come, beiring the name of everie suche persoun or personis, the occasioun of thair going to Irland, the place of thair habitatioun, thair bypast goode conversatioun and demeanour, the bestiall and goodis they ar to transporte, the cullour, nomber, aige, and kynd of thair bestiall and goodis, quhat pairtis of Irland they ar bowne to, and quhidder they intend to sattell them selffis or to returne. Quhilk testimoniall or certificate thay sall delyver to the officeris attending at the allowit and designit portis, and fra thame or thair deputis thay sall ressave ane pasporte and testimoniall under thair hand to be delyverit to the opposite officer at thair landing at Irland; and, at thair retúrne from Irland, that thay bring the lyke certificate and pasporte from the officer at the designed portis thair, and delyver the same to the officeris heir at thair landing. For the quhilk pasporte and testimoniall sua to be gevin be the officeris appointed to attend the allowed portis heir they sall onlie ressave sex shillingis money for everie passinger and for all the commodities and goodis that he carryis with him. And, gif ony persone or personis sall come and seik transportatioun without productioun of a sufficient and lauchfull testimoniall and certificat in maner foirsaid, and gif ony persone or personis sall come from Irland without a testimonial and pasporte, that everie such persone or personis salbe repute and haldin as suspect and unavowable personis, and salbe accordinglie tane and apprehendit be the officeris attending at the allowed portis or be thair deputis as suspect and unavowable personis, and salbe send and delyverit be thame to the schireff, stewart, or baillie of the cuntrey quhair they salhappin to be apprehendit, be whome they salbe committit to wairde and keipit thairin upoun thair awne expensis ay and quhill they find good suirtie and cautioun for thair compeirance befoir the Lordis of his Majesties Previe Counsall to answeir upoun ony crymes can be layed to thair chairge, under suche pecuniall sowmes as salbe appointit and sett doun be the said schireff, stewart, or baillie. Commanding lykewayes the said officeris and thair deputis to tak all suche thevis as they may apprehend comeing and going to and fra Irland, and to delyver thame to the said schireff, stewart, and baillie, to be committit be thame to waird quhill ordour and directioun be gevin for thair tryall and punishement as accordis. And, gif fraude and dissait salbe used in concealing and omitting furthe of the saidis testimoniallis ony pairt of the bestiall quhilkis the awnair sall importe or exporte as said is, his Majestie, with advise foir-

Acta Mar. 1615-Aug. 1617.

Fol. 43, a.

Acta Mar. 1615-Aug. 1617.

said, ordanis the said haill bestiall to be importit or brocht to be exportit be the personis producaris of the saidis fals testimoniallis to be confiscate and esheite. And, for eshewing of fraud, dissait, and collusioun in geving of the saidis pasportis and testimoniallis, his Majestie, with adwyse foirsaid, commandis and ordanis the shireffis of the shyre, stewartis of the stewartie, convenairis of the justiceis of peace, and provest and baillies within burgh, who ar appointed to gif the saidis testimoniallis, to send in to the said officer attending to the allowed portis thair handwrite or chirographie, to the effect the saidis officeris may confer the same with the pasportis that salbe brocht unto thame. Commanding alsua the saidis officeris and thair deputis that they delay not the subjectis, bot gif unto thame a quik dispatche, thay haveing payit thair custome, produceit and ressavit

Fol. 43, b.

thair pasportis. Commanding thame also to haif ane booke of outgait, and another of ingaite, quhairin salbe insert the tennour of thair pasportis; and that they haif a box for keiping of the pasportis, to the effect thay may be maid furthecomand gif ony questioun sall arrise of the falsefeeing or forgeing of thame; and that thay send a certificat under thair hand to the opposite on the Irishe syde of the ressait and sufficiencie of suche pasportis. Quhilkis bookis salbe quarterlie surveyed and sichted be the schireffis of the severall shyris and certane justiceis of peace to be nominat be the saidis Lordis, who sall certifie the saidis Lordis of the nomber of men or families or cattell transported in or oute, and punishe the officeris offending; quhilk gif they sall neglect, and complaint be maid thairof unto the saidis Lordis, bothe they and the officer salbe punished. And, last, his Majestie and the saidis Lordis understanding the goode affectioun of Williame M^{c}Clellane of Overlaw and Johne Cuninghame of the Rawis to do his Majestie service, and finding thame personis verie meete and able to attend and awaite upoun this service at the portis abone designit,—thairfore his Majestie, with advise foirsaid, hes maid and constitute, and be the tennour heirof makis and constitutis, the said Williame M^{c}Clellane and the said Johne Cuninghame his Majesties commissionaris for attending and awaiting at the designit portes abonewrittin,—viz., the said Williame M^{c}Clellane at the portis foirsaidis in Galloway and Carrik, and the said Johne Cuninghame at the otheris portis particularlie abonenamed, and for ressaveing and geving of the testimoniallis and pasportis abonewrittin; and gives [to] thame the office thairof during his Majesties will and pleasour, and ay and quhill thay be speciallie dischairgit, with power to thame and thair deputis,—for whome thay salbe [answerable], and whome his Majestie, with advise of the saidis Lordis, gevis thame power to mak, —to use and exerce this office and chairge, and to intromett with and uplift the fees, dewties, and casualities belonging thairunto, and to do and [perform] all and everie thing whiche to the said chairge and place apperteyneth; firme and stable haldin and for to hald all and quhatsomevir thingis salbe lauchfullie done [heirin]. And, for thair panes

and travellis to be tane in this service, his Majestie, with advise foirsaid, gevis, grantis, and disponis to thame, and to ather of thame respectively within thair awne boundis, the ane half of the bestiall whilkis sall fall under esheat upoun the brek and violatioun of this present act and ordinance within the boundis respectively and particularlie abonewrittin quhairof thay haif the chairge and attendance, with power to thame to mell and intromet with the said confiscate bestiall, and to mak compt of the ane half thairof in his Majesties Exchekquer, and to apply the uther half of the same to thair awne use. And that letteris be direct to mak publicatioun heirof be oppin proclamatioun at the mercate croceis of the heid borrowis of this realme and utheris places neidfull, quhairthrow nane pretend ignorance of the same; and to command and chairge all and sindrie his Majesties liegies and subjectis whome these presentis may or do concerne to conforme thame selffis to this present act and ordinance in everie pointe, and onnawayse to violate or infring the same, nor na pointe, claus, nor article thairof, bot to haif all dew regairde to the preceis observatioun of the same, under the panes particularlie abonespecifiet, to be inflictit upoun the dissobeyaris without favour. Commanding alsua all and sindrie his Majesties liegies and subjectis to reverence, acknawledge, and obey, concur, fortifie, and assist the saidis Williame and Johne and thair deputis in all and everie thing tending to the executioun of thair chairge and warrand, as thay and everie one of thame will answeir upoun the contrair at thair heichest chairge and perrell." Acta Mar. 1615–Aug. 1617. Fol. 44, a.

Charge to the Earls of Linlithgow and Perth in the matter of certain illegal encroachments by the former on his Majesty's forest of Glenarnay.

Understanding that "Alexander, Erll of Lynlythgow, haveing some landis neir adjacent or marcheing with his Majesties forrest of Glenarnay, doeth not onlie incroiche upoun the boundis and liberties thairof by pasturing his goodis within the same, bot the Lord Levingstoun, his sone, hes, without licence of his Majestie, or of the Erll of Perthe, keepair of the said forrest, hunted, chassed, and starred a nomber of the deare thairof,—whilk hes bred occasioun of trouble and contraversie betuix the said Erll of Lynlithgow and his sone, on the one pairt, and the said Erll of Perth, his Majesties forrestair foirsaid, on the other pairt,"—the Lords order both parties to appear on 30th July instant, and to bring their titles, writs, and evidents for inspection by the Council.

Act for carrying into effect the recommendations of the commissioners for enlarging and repairing roads in Linlithgowshire.

"The quhilk day the commissionaris and justiceis of peace nominat be the Lordis of Secreit Counsall for sighting of the wayes and passageis within the schirefdome of Lynlithqw, and causing of the same to be enlairget and mendit and maid passable for coitcheis and cairtis, hes according to the commissioun and chairge gevin unto thame verie formarlie, ordourlie, and discreitlie proceidit in that bussynes, and hes maid, prescrivit, and sett doun the forme and ordour how the saidis wayes salbe enlairget and mendit,—to witt, that the way and passage fra the Howfoorde of Almond and fra the brig thairof to the wester merche of the landis of Winsheburgh, pertening to the Erll of Wintoun, salbe repairit be the parochynnaris of Kirlistoun, Dalmanie, Strabrok, Fol. 44, b.

Acta Mar. 1615–Aug. 1617.

and Abircorne, with the concurrence and assistance of Sir Walter Dundas of that Ilk, Johne Dundas of Newlistoun, George Dowglas of Pimpharstoun, and James Young, baillie to the Erll of Wyntoun; and the gaitis and passageis fra the said west merche of Winsheburgh to the brig of [ ] be the parochynnaris of Eglishmauchane, Levingstoun, out parrochine of Lynlithgow, Kinneill, Caribdin, Torphichine, and Bathcat, with the concurrence and assistance of the Erll of Lynlithgow or his baillie, Sir Johne Hammiltoun of Grange, and Mr. Alexander Hammiltoun of Kinglas, Alexander Hammiltoun of Binning, and James Cochrane of Babachvar; and that ilk ane of the saidis parochynnaris

Fol. 45, a.

who sall furneis the saidis workemen for workeing the said worke sall gaif the instrumentis following: viz. spaidis, shoiles, pickes, mattokis, gavellokis, quarrell mellis, irne wadgeis, hand burrowis, quheill burrowis, cairtis, sleddis, horsis, and otheris workeloomes as thay sall desyre to haif be the oversearis of the worke; quhilkis workemen salbe haldin to worke sa mony dayes everie oulke fra sex houris in the morning till sex at nicht, upoun thair awne chairges and expensis, with suche nomber of workemen out of ilk parochyne as [the] parochine may easlie beare and as the saidis justiceis of peace be thair discretioun sall appointe; and that they sall begin the said worke when thay salbe directit be thame and sall continew at the said worke as thay salbe ordanit. And the saidis commissionaris and justiceis of peace hes ordanit that the assistaris to this worke sall appointe ane honnest man in everie parochine to attend upoun the said worke the tyme of the workeing; and that the saidis wayes and passageis sall contene xxj foote in breid; and that the saidis justiceis of peace, everyone within thair awne parochine and within the boundis committit to thair chairge, sett doun ane roll of the parochynnaris who sall worke the said worke, subscryvit with thair hand: as ane act and ordinance maid and sett doun to this effect be the saidis commissionaris and justiceis of peace at lenth bearis. And, seeing thay haif tane so grite panes and travellis in this bussynes, and hes so wyslie, discreitlie, and moderatlie prescryvit and sett doun the ordour how the saidis wayes and passageis salbe enlairgit and mendit as said is, necessar it is that the conclusioun maid and sett doun be thame in this bussynes be followit oute be these whome it apperteynis and concernis.—Thairfore the Lordis of Secreit Counsall ordanis letteris to be direct chairging all and sindrie personis within the boundis and parochinnis particularlie abonewrittin upoun whome the chairge of this service is layed and injoyned in generall, or be thair names in speciall, conforme to the said roll, as salbe desirit personallie or at thair duelling placeis or be oppin proclamatioun at the paroche kirkis of the parochynnis quhair thay duell upoun ane Sonday befoir noone in tyme of sermone or prayeris, that they and everie one of thame addresse thame selffis and come to the said worke in suche forme, ordour, and maner, and at suche dayes, as thay salbe advertised be the saidis justiceis of peace; and that thay attend and awaite at the saidis workis, and do and performe that whilk salbe

injoyned unto thame, within xij houris nixt efter the chairge, under the pane of xx ŝ. to be incurrit be everie persone or personis who sall absent thame selffis fra the said worke for every day of thair absence,—for payment quhairof that the officeris executoris of the saidis letteris poind and distreinyie the reddiest goodis and geir pertening to the persone or personis dissobeyaris; as alsua in the optioun of the saidis justiceis of peace to command and chairge the saidis parochynnaris and otheris whome this service concernis in maner abonewrittin to addresse thame selffis and come to the said worke as is afoirsaid within xij houris nixt efter the chairge under the pane of rebellioun," &c. Acta Mar. 1615–Aug. 1617. Fol. 45, b.

Report of conclusion of the late Convention of Burghs at Perth on his Majesty's overture respecting the wool manufacture.

"The quhilk day in presence of the Lordis of Secreit Counsall compeirit personallie David Aikinheade and George Foullis, commissionaris for the burgh of Edinburgh, Henry Eldare, commissioner for the burgh of Perthe, Mr. Alexander Wedderburne, commissioner for the burgh of Dundie, Thomas Meinyees, commissioner for the burgh of Aberdene, Duncane Patersoun, commissioner for the burgh of Strivling, James Blair, commissioner for the burgh of Air, Johne Lawsoun, commissionar for the citie of Glasgow, Robert Tailliour, commissioner for the city of St. Androis, Andro Mĩa [Miln], commissioner for the burgh of Lynlythgow, Hary Çokburne, commissioner for the burgh of Hadingtoun, Hercules Tailliour, commissioner for the burgh of Monrois, James Prymrois, commissioner for the burgh of Culrois, David Symsoun, commissioner for the burgh of Dysart, Johne M^cKiesoun, commissioner for the burgh of Carele, Mr. Johne Rutherfurde, commissioner for the burgh of Jedburgh, Williame Lauder, commissioner for the burgh of Dumbar, Mr. Thomas Wardlaw, commissioner for the burgh of Dumfermlyne, Archibald Frank, commissioner for the burgh of Peblis, Johne Corsane, commissioner for the burgh of Dumfreis, Johne Fawlisdaill, commissioner for the burgh of Dumbartane, and Williame M^cClellane, commissioner for the burgh of Kirkcudbryght, and exponit and declarit that at the laite Generall Conventioun of the Burrowis haldin at the burgh of Perth in the moneth of Julij instant that overtour and propositioun maid be the Kingis Majestie [*ante*, p. 506] anent the making of the cuntrey woll in clothe and stuffis at home within the countrey wes at verie grit lenthe reasoned, conferred upoun, and advisit in the said Conventioun, and that the commissionaris thair convenit wer content, gif so it sould please his Majestie, that his Majestie sould make ane restraint of the exportatioun of the woll, seing thay wer of opinioun that the haill countrey woll mycht be wrocht at home in stuffis, plaidis, and cairsayis; but to undertak ony burdyne in that mater, outher anent the home-bringing of strangearis, or geving of assurance to his Majestie and the saidis Lordis that the haill cuntrey woll wald be wrocht within the cuntrey, the Conventioun planelie and flatlie refuisit." Fol. 46, a.

Act against forestalling the sale of herring at Dunbar.

"Whairas thair hes bene a grite abuse thir yeiris bigane in the toun of Dumbar, the tyme of the tak of the hering, be a nomber of welthlie merchantis, who foirspeakis and buyis the hering afoir thay be tane or

Acta Mar. 1615–Aug. 1617.

brocht to land, sua that the cuntrey cannot be served,—for removing of this abuse, the Lordis commandis Mr. Johne Achiesone, provest of Dumbar, who wes personallie present, to haif a caire that no hering be foirspokin nor boght afoir thay be tane and brocht to land, and quhill the cuntrey be sufficientlie providit and furneist; and ordanis the deputis in the Admiralitie to tak the lyke ordour in the sea."

Decreta Mar. 1616–Jan. 1617. Fol. 194, b.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Ros; Glencarne; Binning; Master of Elphinstoun; Treasurer Depute; Justice Clerk; Privy Seal; Advocate; Kilsyth; Medop; Sir James Skene; Sir Petir Young; Mr. Petir Rollok. Edinburgh, 11th July 1616.

Lord Gordon against MacClean of Duart and others for illegal seizure of the fort and manor-house at Innerlochtie.

Complaint by George, Lord Gordoun, and the King's Advocate, as follows:—On a day in June last, Hectour M^cClayne of Dowart, and Allane M^cEane Dowye, his sone, with others to the number of three or four hundred persons, all armed with "bowis, habirschonis, and utheris wapponis invasive, and with hagbutis and pistolletis," went to pursuer's Fol. 195, a. lands of Innerlochtie and "invironed and belayit" the fortalice, tower, and manor-place thereof. They lay about for a long time threatening the keepers, and, finding that these would not surrender the same, cut the gates with great axes which they had brought with them, entered violently, abused the said servants, "schote" them out of the house and took possession of the same. They have fortified it as a house of war for the resset of broken men of the Isles.—Pursuers appearing personally, and defenders appearing by Alexander Cunynghame, their procurator, the Lords order the defenders to deliver up the said place to pursuer.

Sir James Erskine against Thomas Gellatly for oppression of tenants and extortion.

Fol. 195, b. Complaint by Sir James Erskin, knight, as follows:—Pursuer's tenants on his lands of Tullibodie are troubled by Thomas Gelletlie in Wodsyd Alloway, and Johnne Lennox, messenger. Defenders have resolved to keep the tenants "in a continewall tormoyle and trouble," under charges Fol. 196, a. to come to Edinburgh, sometimes to be witnesses, and sometimes for assises and inquests; few days pass but one or other of pursuer's tenants are charged; "and, quhen thay are chairgit, thay compone with thame to draw thame oute of thair executionis, takand frome thame mair and les as thay may haif it." Thus, they took from William Andirsoun in Grene of Tullibody , from Johnne Mitchell in Tullibody , from Archibald Mitchell there , from Thomas Ker there[1] , and from others, divers sums of money. Defenders should be punished for this "scafferie and oppressioun."—Pursuer and defenders appearing personally, and Thomas Gelletlie confessing that he had taken money from certain persons for relieving them from a summons which he had caused to be issued calling them as witnesses in an action pursued by him before the Lords of Session, the Lords order him to be committed to the Tolbooth of Edinburgh, and to remain there at his own expense during their pleasure.

[1] MS. reads 'Thomas Ker yair thair.'

George Currour and his family against Harvey of Elrick and his sons for oppression and assault.

Complaint by George Currour of Swailend, David Currour, fiar thereof, and Cristeane Currour, daughter of the said George and spouse of the said David, as follows:—Andro Hervie, elder, of Elrik, and James, Andro, George, and Patrik Hervie, his sons, went, on 24th August last, with some accomplices, armed with swords, gantillats, halberts, lances, forks, and other weapons, to pursuer's moss of Swelend in search for the said George and David for the purpose of slaying them. Missing them, but meeting the said Cristeane, they attacked her very fiercely with battons and rungs, almost knocked out her left eye, and left her for dead. On 9th and 10th December last the said persons, hearing that the said George and David were in the burgh of Abirdene, lay in wait for them in the Kirkgait and other parts of the burgh, and were ready with arms to attack them; but pursuers, being advertised of their design, escaped.—George Currour appearing for himself and the other pursuers, and Andro Hervie appearing, but James Hervie not appearing, the Lords assoilzie the said Andro, and continue the case of James to the 18th of July instant. Decreta Mar. 1616–Jan. 1617. Fol. 196, b.

Caption against Johnston of Howgill and others for debt.

Complaint by Williame Stoddert in Outerburgh, Johnne Heislop there, William Heislop there, and Johne Stoddert there, that Johnne Johnnstoun of Howgill, William Johnnstoun in Kirkhill, and William Johnnstoun in Kirkholme, remain unrelaxed from a horning of 10th November 1612 for not restoring and delivering to pursuers 23 score old sheep, or 40s. for each sheep, together with £12 of expenses.—Pursuers appearing by Daniell Melvill, their procurator, and defenders not appearing, the Lords give order to the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 199, a.

Anent the Staple house in London, and anent the bush-fishing.

The Commissioners for the Burghs also declared (see p. 572) "that thay had tane ordour with Mr. Johnne Broun anent that mater of the staple house in Lundone: and, anent the bushe fisheing, Joseph Marjoribankis, and George Todrig (?) compeirit and declairit that thay had layed doun thair gift at the Commissionaris feete." Sederunts. Fol. 138, a.

Compearance of the Islemen.

"The quhilk day the Illismen compeirit, all except Donald Gorme, who is excuisit be a testimoniall, and the Tutour of Ardnamurchin."

Captain of Clanranald.

"The Capitane of Claurannald compeirit be James Logy, who declairit that he wes agaitward comeing heir at Glasgow, and that he wilbe heir upoun Thurisday nixt. The Lordis decernis aganis him for not compeirance, and ordanis the executioun of thair decreit to rest till Thurisday nixt." Fol. 138, b.

Tutor of Ardnamurchan.

"The Lordis decernis aganis the Tutour of Ardnamurchine for his not compeirance."

Edinburgh, 12th July 1616.

Sederunt—Chancellor; Bishop of St. Androis; Binning; Treasurer Depute; Kilsaythe; Advocate; Medop.

Hector MacClean of Duart.

"The quhilk day in presence of the Lordis of Secreit Counsaill Commissionaris for his Majesteis Rentis compeirit personalie Hector M^cClayne

Sederunts.

of Dowart, and declairit that he wes content, lyke as he consentis, that the saidis Lordis sould sett ane fyve yeir tak of the landis of Tarres, Arroy in Mull, and Morverne, to James, Erll of Glencarne."

Additional caution required from MacClean.

"The Lordis ordanes M^{c}Clayne to find cautioun under the pane of x^{m} li. for his personall compeirance befoir the Counsaill upoun the tent day of Julij yeirlie, and forder sa oft as he salbe chargeit upoun lx dayis wairning, and for keeping of his Majesteis peace, goode reule, and quietnes in the cuntrey, and, besydis the cautioun, that he act him self to keepe the conditionis of the said cautionarie, under the pane of forfaltour of his haill landis and takkis that he haldis of his Majestie. And the Lordis ar content that the Erll of Glencarne, M^{c}Kynnoun, Lauchlane M^{c}Clayne, bruther to the foirsaid M^{c}Clane, the Lairdis of Coill and Lochbuy, be tane cautionaris for him."

Acta Mar. 1615–Aug. 1617. Fol. 46, a.

Edinburgh, 16th July 1616.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Ros; Glencairne; Binning; Master of Elphinstoun; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Kilsythe; Medope; Sir James Skeene; Sir Peter Young; Mr. Peter Rollok.

Commission to the Captain and Lieutenant of the Guard for the apprehension of Gordon of Gicht, and various dependants of his, at the horn for obstinate perseverance in "papistrie" and for divers other crimes.

"Forsamekle as George Gordoun of Geycht, ane profest and avowed trafficquing papist and adversair to God and his treuth, haveing shaikin af his dewtie and alledgeance to his Majestie, his obedience to the laws and discipline to the Kirk, and in the pryde of his hairt contempning and disdaining all kynd of procedour that can be used aganis him, hes of laitt gevin prooffe of a most rebellious and dissobedient persone, and by a concurse of a nomber of odious crymes hes maid him self in a kynd eminent abone offendaris in the heichest degree, in so far as, he being chairget to haif compeirit befoir the Lordis of his Majesties Previe Counsall to haif underlyne suche ordour as sould haif bene tane with him for observeing of his Majesties peace and keiping of goode reule and quietnes in the cuntrey, as alsua to haif answerit to ane complaint maid upoun him be his Majesties Advocat for his Hienes interesse for bearing and wearing of hacquebuttis and pistollettis and persute of the brether of Brunthill hard by thair fatheris duelling house, the said George takand the cryme upoun him, and disdaneing other to gif obedience to
Fol. 46, b.
his Majestie or to purge and cleir himself of the said cryme, he absentit himself and compeirit not, and for his not compeirance wes upoun the xxviij day of Merche last bypast ordourlie denuncit rebell and put to the horne. Lyke as alsua, he being chairget to haif compeirit befoir the saidis Lordis to haif answerit upoun his usurpeing of his Majesties princlie power and auctoritie in the unlauchfull taking of umquhile Frances Hay, and for the barbarous and butcherlie murdering of him, he lykewyse tooke the cryme upoun him and absentit him self, for the quhilk decreit and sentence is gevin and pronunceit, and letteris of horning direct aganis him for entrie of his persone in wairde within the

Tolbuith of Edinburgh. And alsua, upoun the said xxviiij day of Marche, Alexander Gordoun, bruther to the said George Gordoun of Geycht, wes denunceit rebell and putt to the horne be vertew of letteris raisit at the instance of his Majesties Advocat for his not compeirance personallie at ane certane day before the saidis Lordis to have answerit to ane complaint maid upoun him tuitcheing the bearing and wearing of hacquebuttis and pistolettis, as the saidis letteris execute, indorsate, and registrat beiris. And siclyke, upoun the fourt and sex dayis of Julij instant, Alexander, Patrik, and Robert Gordounis, brether to the said George Gordoun of Geycht, James Baird and Williame Gordoun in the Maynis of Geycht, Andro Mylne, falconer, Andro Nicolsone, servitour to Williame Hay, sone-in-law to the said George Gordoun of Geycht, and Patrik Cantlie in Ardifferie wer denuncit rebellis and put to the horne, be vertew of letteris raisit at the instance of his Majesties Advocat foirsaid, for not compeirance personallie before the saidis Lordis of Secreit Counsall at ane certane day bigane to haif ansuerit to ane complaint maid upoun him be his Majesties said Advocat for the persute and invasioun of the foirsaidis brether of Brunthill with unlauchfull and forbiddin waponis, in maner and at the tyme specifeit and contenit in the saidis letteris, as the samyn dewlie [execute], indorsate, and registrat beiris. As alsua, upoun the xxvj and xxvij dayis of Junij last bypast, Patrik Butter, pedagoge to the Marquis of Huntlies children, Adam Gordoun and Gordoun, sones to Alexander Gordoun, Cornellat, Mr. Thomas Gordoun of Overhall, Patrik Gordoun in Rayme, James Gordoun in Lettifoure, Alexander Gordoun of Cornewatt (?), William Gordoun, appeirand of Benholme, Thomas Gordoun of Battorie, James Gordoun of Dawach, and Johne Gordoun of Ugstoun wer denuncit rebellis and putt to the horne be vertew of letteris rasit at the instance of the reverend fader in God, George, Archibishop of St. Androis, and remanent Commissionaris of the Heich Commissioun of the Kirk, for not compeirance befoir the Heich Commissioun of the Kirk at ane certane day bigane to haif ansuerit to ane accusatioun libellit aganis thame for papistrie and resset of papistis, jesuitis, and seminarie preistis, as the letteris of horning execute, indorsate, and registrat aganis thame beiris. At the proces of quhilkis horningis the personis foirsaidis hes most proudlie and contempnandlie remanit sen the tymes respectively of thair denuntiatioun, lyke as thay do yit, unrelaxt, taking no regaird of the said horning, bot hantis, frequentis, and repairis publictlie and avowedlie in all pairtis of the north at thair pleasour, hanting kirkis, mercatis, and all utheris publict places and societies of men, and enjoyes the possessioun of thair awne levingis and housis as gif thay wer peaceble and lauchfull subjectis, heichlie to his Majesties offence, and contempt and misregaird of his auctoritie and lawes. Quhairfore the Lordis of Secreit Counsall hes gevin and grantit, and be the tennour heirof gevis and grantis, full power and commissioun, expres bidding and chairge, to the Capitane or Liuetennant of the Gaird, and to suche of the companie of the Gaird as

Acta Mar. 1615–Aug. 1617.

Fol 47, a.

Acta Mar. 1615–Aug. 1617.

salbe direct be thame, to convocate his Majesties liegeis in armes and to pas, search, seik, and tak the personis rebellis foirsaidis, quhairevir thay may be apprehendit; and to bring, present, and exhibite thame befoir the saidis Lordis to be tane ordour with as apperteynis; as alsua to pas, persew, and tak thair houses," &c. (*in customary form*).[1]

Commission to Lord Gordon against Allaster M^cRannald of Gargavach and his son, abettors in the escape of Sir James Macdonald from the Castle of Edinburgh, and now fugitive in Lochaber.

Inasmuch as "Allaster M^cRannald of Gargavach, and [Ro]nald M^cRonnald, his eldest sone, being the principal [authoris] of the eschaip of the traytour Sir James M^cDonald [furth] of the castell of Edinburgh, and assistaris and concur[raris] with him in all treasounable courses and rebellionis . , and, being forced to abandoun the placeis of thair . . revolt, thay ar now in end come to Lochquhaber, [quhair] thay lurke and ly awaiting the opportunitie and . . to stire up some new disordour and trouble, heichlie to his Majesties offence and contempt, gif remeid be not providit,"—his Majesty gives full power and commission to George, Lord Gordoun, to proceed aganist the rebels, and by using all means to bring them to justice. "And whairas the said tratouris M^cRonnald and his said sone hes bene wilfullie and willinglie resset, hurdit, and interteynit within the saidis boundis of Lochquhaber, and within the boundis of the schirefdome of Innernes, and within the schirefdome of Perth abone Dunkeld, and within the schirefdome of Banff abone Carroun, be a nomber of undewtifull personis aganis the tennour of his Majesties proclamationis," the said commissioner has power to convene such persons as have reset the rebels within these bounds, "except and alwyse the personis dwelland upoun the landis and boundis pertening to the Lord Kintaill and his freindis," and to punish them as the law requires.

Fol. 48, a.

Fol. 48, b.

Decreta Mar. 1616–Jan. 1617. Fol. 197, a.

[Sederunt as recorded above.]

Edinburgh, 16th July 1616.

Caption against Rhynd of Carse and others for debt.

Complaint by Williame Auchinleck, provost of Dundie, that Johnne Rynd of Cars, as principal, Harie Lindsay of Blairfaddin, and Johnne Smyth in Netherbow, as cautioners, remain unrelaxed from a horning of 31st May last for not paying 249 merks of principal and £50 of expenses. —Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Three persons denounced for illegal export of victual.

The King's Advocate against the following persons for illegal export of

[1] The Gordons of Gicht are interesting now as having been the maternal ancestors of Lord Byron; whose mother, Catherine Gordon, was an heiress of the Gicht family. Of the obstinacy of the family in their adherence to Roman Catholicism, and of their general unruliness, both so emphatically described in the present entry, there have been frequent evidences already in the Privy Council Register. Full information as to their particular crime of the unlawful taking and murdering of Francis Hay, will be found *ante*, pp. 496–502. The issue of the trial, as it concerned the Sheriff Depute, was that he was denounced rebel, and to escheat of goods, for not appearing. The special trial of Gordon of Gicht and his other accomplices was adjourned, and did not come on within the imits of our present volume.

victual since December last:—Andro Maistertoun in Kirkcaldy, for having on 13th January last shipped 10 chalders of from Eymouth, and on 23rd March last 11 chalders of bere from the same place; David Wyse in Kirkcaldy, for having on 22nd April last shipped 40 bolls of malt from Bruntiland, and on 30th of same month 30 bolls malt from the same place; Ewstathius Robertsoun in Bruntiland, for having shipped 12 bolls malt at same date and from same place.—Pursuer appearing, and defenders not appearing, the Lords order defenders to be denounced rebels. Decreta Mar. 1616–Jan. 1617. Fol. 197, b.

Adam Walker and others against Robert and John Scott for assault.

Complaint by Adam Walker, Hercules Hird, and Johnne Liddaill, servitors to James Mitchelhill, bailie of Selkirk, and the said bailie as master, as follows:—On 2nd inst., when the said servants were pulling heather upoun the grounds of the lands of Hutrelburne, belonging to , and by his consent, Robert Scot in Hartewodmyris, accompanied by Johnne Scott in Newark and others in arms, made a fierce attack on them with batons.—Adam Walker and Johnne Liddell appearing for pursuers, and defenders being present, the Lords assoilzie defenders: the said Robert Scott having explained that, "he forgaddering with the defendaris upon his hayned ground, he pat thame af his ground with a wand"; and the said Johnne Scott having denied the charge. Fol. 198, a.

Act confirming an Act of the Convention of Burghs for remedying a defect in the construction of barrels for herring, white fish, and beef.

"Anent the supplicatioun presentit to the Lordis of Secrite Counsaill be the provestis, bailleis, counsaill, and inhabitantis of the Burrowis of this realme makand mentioun,—That quhair, at the laite Conventioun of the Burrowis haldin in this instant moneth of Julij, it wes tryed be the Commissionaris thair convenit that thair wes ane grite insufficiencie and defect in the barrellis of hering, quhyte fische, and beiff, and that the caus thairof proceidit frome the height and gritnes of the bilge of the barrellis, for remeid quhairof it wes ordanit be ane act of the saidis Burrowis that the forme of the barrellis sould be altered universalie throughout all the Burrowis of this realme, and that the bilge of the barrellis sould be made les, and the headis thairof of a gritter wydnes proportionalie, the cheine being schortair nor of before, keipand alwyse the auld measoure of the barrellis without diminutioun; and that the barrellis salbe maid of sufficient, ticht, and weill seasoned tymmer, and markit upoun the bilge at the bung with the burning irne and mark of the couper, maker thairof, in all tyme comeing; and that suche barrellis as salbe tryed insufficient salbe confiscat, and the coupair, makar thairof, adjudgit in ane unlaw of fyve pundis for ilk insufficient barrell, to the reparatioun of the commoun workis of the burgh quhair the same is maid. Lyke as the saidis Commissionaris of Burrowis gaif pouer be thair act foirsaid to the Magistratis and Deane of Gild of Edinburgh to caus mak ane barrell of the forme abonewrittin and try and compair the same in the measour and quantitie with the auld barrell; and, it being fundin to contene a lyke quantitie of water with the auld, to caus ane gauge be maid and deliverit to ilk burgh upoun thair awne expensis Fol. 198, b.

Decreta Mar. 1616-Jan. 1617.

quhen the same salbe requirit; and ordanit ilk burgh to caus all the barrellis maid within the boundis of thair liberteis to be maid conforme to the said judge in all tyme comeing, ilk burgh undir the pane of fourty pundis: as ane act of the Conventioun of the Burrowis maid to this effect beiring thair humble requeist unto the saidis Lordis to interpose thair auctoritie thairto at lenth beiris. Humelie desyreing thairfore the saidis Lordis that thay micht haif ane act of Counsall past and exped in thair favour in maner and to the effect undirwrittin, lyke as at

Fol. 199, a.

mair lenth is contenit in the said supplicatioun. Quhilk being red, hard, and considerit be the saidis Lordis, and thay finding the desyre of the same to be reasounable, the Lordis of Secrite Counsaill thairfore hes ratifeit, approvin, and allowit, and be the tennour heirof ratifeis, allowis, and approvis the act and ordinance abonewrittin, maid, concludit and set doun be the saidis Commissionairis of the Burrowis in the mater foirsaid, in all and sindrie pointis, clausis, headis, articlis, and conditionis thairof, ordaning the same to ressave full effect and executioun accordinglie, but prejudice alwyse of the office of judgeing grantit be the Kingis Majestie, and the richt of the unlawis pertening to his Majestie be act of Parliament. And that letteris be direct to mak publicatioun heirof be oppin proclamatioun at all placeis neidfull, quhairthrow nane pretend ignorance of the same."

Commissions Fol. 6, a.

Commission under the Signet, signed by the Chancellor, Sanctandrois, Glencarne, and Pa: Bishop of Ros, to Johnne, Lord Hereis, to apprehend and exhibit before the Council William Douglas, called "of Pinyerie," who, having been convicted of certain acts of theft, was by the royal clemency sentenced to banishment from the realm. When he was abroad he joined with traitors and rebels, especially the "laite" Lord Maxwell. He has now returned home without licence, and "hes begun to querrell, brag, threatine, and minass suche of our good subjectis as wer imployed in our service aganis him; and thairby in the folie of his awne imaginationis hes tane a plan baner aganis us."

Commission for the apprehension of William Douglas of Pinyerie, rebel-associate of the late Lord Maxwell.

Sederunts. Fol. 139, a.

"His Majesteis missive in favouris of M^{c}Cleude of Hereis being presentit befoir the Counsell, the Lordis all in ane voce thoght the point of the letter concerning the dispensing with M^{c}Cleud of Hereis compeirance befoir the Counsell yeirlie upoun the tent of Julij not meete to be grantit."

MacLeod of Harris.

"The quhilk day M^{c}Clayne, M^{c}Cleud of Hereis, the Capitane of Clanrannald, M^{c}Kynnoun, Lauchlane M^{c}Clayne, bruther to M^{c}Clayne, the Lairdis of Coill and Lochbuy compeirit befoir the Counsaill, and ar ordanit to compeir upoun Thurisday next."

Anent seven Highland Chiefs.

"The quhilk day in name of the Lord Gray exhibite foure Egiptianis befoir the Counsaill, who ar ordanit to be presentit to ane assize." (*See also p.* 559).

Order respecting four Gypsies.

"The quhilk day Duncane M^{c}Gregour of Rora changeit his name and took the name of Duncane Gordoun: Cluny Gordoun cautioun for him under the pane of iij^{m} merkis."

Duncan Macgregor of Rora.

17th July 1616. *Sederunt*—Chancellor; Glencarne; President; Kilsaythe; Medop; Privy Seal; Advocate; Sir James Skeene. Sederunts.

Caution for the seven Highland Chiefs.

"The quhilk day M°Clane and his brother, Lauchlane M°Cleude of Hereis, the Capitane of Clanrannald, M°Kynnoun, the Lairdis of Coill and Lochbuy actit thame selffis to remane heir quhill thay gett the Counsallis licence to depairt, under the pane of foirfeytour of thair haill landis rentis, and possessionis."

Edinburgh, 18th July 1616. *Sederunt*—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Bishop of Ros; Glencairne; President; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Kilsythe; Medop; Sir James Skeene; Sir Petir Young; Mr Petir Rollock. Acta Mar. 1615–Aug. 1617. Fol. 49, a.

Act ordaining the Provosts and Bailies of Burghs to concur with the Guard by taking arrested rebels off their hands and committing them to burgh-prisons.

"Forsamekle as the Gentlemen of his Majesties Guard being divers tymes imployed upoun warrandis from the Lordis of Secreit Counsall to tak and apprehend personis rebellis and at the horne alsweill for civile as criminall causes, and thay haveing apprehendit thame and brocht thame to the nixt burrowis and presentit thame to the magistratis of the same, desyring thame to tak the rebellis af thair handis and to committ thame to wairde, the saidis magistratis hes refuisit, and refuisis to tak the rebellis af the saidis Guardis handis, sua that verie oft it fals oute that quhen rebellis ar tane be the Guarde thay eschaip, becaus the Guard hes no prisonnes to keepe thame in, and the magistratis of burrowis refuisis to tak thame af thair handis,—Thairfore the Lordis of Secreit Counsall ordanis and commandis the provestis and baillies of the head burrowis of the schirefdomes of this kingdome to ressave from the Gentilmen of the Guard suche personis as salbe apprehendit be thame, and as they sall present to the saidis provestis and baillies, and to committ thame to waird in thair tolbuithis, and keep thame thairin upoun thair awne expensis, ay and quhill thay obtene thame selffis relaxt fra the horningis for whilkis thay wer apprehendit and be lauchfullie and ordourlie fred and relevit of thair said waird,—as the saidis provestis and baillies will answer to the saidis Lordis upoun thair obedience at thair heichest chairge and perrell."

Proclamation of a General Assembly of the Kirk to be held in Aberdeen in August next.

"Forsamekle as the prelatis and reverend fatheris of the Kirk, forseeing that thair is ane grit decay in religioun and a grouth and increase of Poperie within this kingdome, and that the same is lyke to produce mony dangerous effectis aganis the Estaite bothe in Kirk and Policie, and, the saidis prelatis haveing gravelie advisit upoun the best and reddiest meanis for preventing and suppressing this grouth of Poperie and for reformeing of the disordouris and abuseis flowing thairfra, thay haif found that nothing is more expedient for effectuating of this goode worke then a Nationall Assemblie and meiting of the haill Kirk; and by thair petitioun presentit unto his Majestie thay haif humblie cravit his Majesties licence for halding of the said Assemblie; lyke as, his Majestie Fol. 49, b.

Acta Mar. 1615–Aug. 1617.

allowing of thair goode advise and opinioun in this pointe, and being willing to hald hand unto thame in all and everie thing whilk may procure the goode of the Kirk, his Majestie hes most willinglie and freelie grantit, and hes gevin his consent, licence, permissioun, and allowance for halding of the said Assemblie, ordaning the same to hald at the burgh of Aberdeene, and to begin, God willing, upoun the xiij day of August now approtcheing in this instant yeir of God j^{m}vj^{c} and sextene yeiris: Thairfore the Lordis of Secreit Counsall ordanis letteris to be direct for publicatioun heirof be oppin proclamatioun at the mercat croceis of the head burrowis of this kingdome and utheris placeis neidfull, quhairthrow nane pretend ignorance of the same, and to wairne all and sindrie archibischopis, bischoppis, commissionaris for the kirkis, and utheris haveing voit in that Assemblie, that thay repair in dew and lauchfull tyme to the said burgh of Aberdene agane the said xiij day of August nixt, and assist the said Assemblie and meeting with thair presence and voceis, and do and performe that quhilk to thair chairge in sic caisis apperteynis, as thay will ansueir upoun the contrair at thair heichest chairge and perrell.—His Majesties missive letter for the warrant of the act abonewrittin.—Right trustie and right welbeloved cosen and counsellour, and right trustie and welbeloved counsellouris, wee greete yow well:—Whereas we haif gevin licence to the clergie and other deputes
Fol. 50, a.
of the Church to meete at Abirdeene the xiij of August nixttocome, there to treate of such thingis as salbe thocht requisite to hinder the encreas of Poperie in that our kingdome, and procure ane uniformitie in religioun amongst our subjectis, it is our pleasour that yee cause mak proclamatioun of the said meeting to be at the tyme and place abonesaid at all the mercat croceis accustomed in the lyke cases. Whiche knawing that yee will cause be reddilie performed, wee bid yow fairwell. At Wensted, the xij of July 1616."

[Sederunt as recorded above.]

Edinburgh 18th July 1616.

Decreta Mar. 1616–Jan. 1617. Fol. 199, b.

Complaint by Johnne Grant, apparent of Bellindalloch, as follows:—On a day of July inst., pursuer having gone, after supper, to the chamber of Alexander Gordoun, fiar of Straithdowne, his brother-in-law, in the burgh of Edinburgh, to visit and confer with him, the said Alexander, and Patrik Grant of Carroun, and Gordoun, servitor to the said Alexander Gordoun, who were then with him, "howsoone the said complenair enterit in the said chalmer single and him allane, offering and doing his courtasie unto thame, thay began first with tanting and disdanefull speitches to upbraid and injure, and thairefter gaif ane lie, layd hold on the said complenair, reft his quhinyeair frome him, and, being disarmed, thay schamefullie and unhonnestlie buffettit and strak him with feit and handis, and schote him violentlie to the chalmer dure, and with mony horrible aith avowit to do with the said complenair as wes done with his grandschir; that is to say, as the said Patrktis Grantis

John Grant, younger of Ballindalloch, against his brother-in-law, Alexander Gordon, younger of Strathdon, for assault.

guidschir schote and slew the said complenairis grandschir in the nicht undir trust oute of ane house, so thay sould dispatch the said complenair; and he verie narrowlie eschaiped frome thame with his lyff."—Pursuer appearing personally, and Alexander Gordoun of Straithdowne and Patrik Grant of Carroun, defenders, also appearing, the Lords assoilzie defenders, who denied the charge on oath. Decreta Mar. 1616-Jan. 1617.

Act in favour of the parishioners of Tullibody.

Same as entry on July 2nd, 1616 (*ante* p. 555), with this addition to the impost:—from every ox or cow, 6d.; from every ten sheep, 6d. Fol. 200, a.

Caption against Lady Torthorwald and her husband for non-relief of Douglas, younger of Cashogill, as their cautioner.

Complaint by William Douglas, younger of Cashogill, that Dame Elizabeth Carlile, Lady Torthorwald, and William Sinclair, now her spouse, remain unrelaxed from a horning of 1st February 1615 for not relieving him at the hands of Frances Vandone, anent the payment to her of £400 of principal and £80 of expenses, together with all expense &c, which he might incur through becoming cautioner.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Fol. 200, b.

Case of George Currour continued.

George Curror appearing for himself, his son-in-law, and daughter, and James Hervie being also present, the Lords continue the case (*ante*, p. 574) till the first Tuesday in November, the said James having found caution in 500 merks to appear on that day,

Laird of Gicht.

"Ane commissioun to the Gaird aganis the Laird of Geycht" [See under 16th July 1616.] Sederunts. Fol. 139, b.

MacRannald.

"Ane commissioun to the Marquis of Huntlie aganis M^cRannald."[2]

Edinburgh, 23rd July 1616.[1]

Sederunt—Chancellor; Mar; Wyntoun; Bishop of Ros; Binning; Colvill; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsythe; Medop; Sir James Skene; Sir Andro Ker; Sir Peter Young; Mr. Peter Rollok. Acta Mar. 1615-Aug. 1617. Fol. 50, a.

Lord Colvill admitted of the Council.

This day the Lords admitted Lord Colvill a member of the Council. He was present and took in due form the oath of allegiance, and the oath of a Privy Counsellor.—"His Majesties missive letter for the warrant of the act abonewrittin:—Trustie and welbeloved counsellour, wee greete you well. Haveing had sufficient prooffe of the qualificatioun of the Lord Colville, and of his goode dispositioun to our service, wee haif thocht good to constitute him one of the ordinarie nomber of our Previe Counsall in that our kingdome. It is thairfore our pleasour that yee minister unto him the othe accustomed in the lyke cases, and admitt

[1] On the 19th of July had died Mr. Walter Balcanquhall, one of the ministers of Edinburgh, *ætat.* 68. Although in the background of late, he had been in former years one of the most conspicuous of the champions of Presbytery (see *ante*, Vols. III.–VII. by the Indexes); and Calderwood says that he died testifying to his adherence to the last to his old Presbyterian convictions. A son of his, however, was at this time a fellow of Pembroke Hall, Oxford, and was in after years to be the more celebrated Dr. Walter Balcanquhall, recollected for his Anti-Presbyterian activity in Scottish affairs in the reign of Charles I.

[2] This and the preceding entry are obviously duplicates of the entries under 16th July, given *ante* pp. 575–77.

Acta Mar. 1615–Aug. 1617.

him to enjoy all honouris, dignities, priviledges, and immunities whiche ony other our ordinarie counsellour enjoyeth be vertew of his place in our said Counsall. For doing quhairof these presentes salbe unto you ane sufficient warrant. Gevin at Newmarket the xj of Februarie 1616."[1]

Order for warding Lord Berridale and denouncing the Earl of Caithness.

Action having been raised at the instance of Sir William Oliphant of Newtoun, his Majesty's Advocate, against Allaster Robsoun in Dalrait, George M^cAllaster Crery, and Allaster M^cAllaster Roy,—"for whome George, Erll of Caithnes, and Williame, Lord Berridaill, his sone, ar be the Lordis decreit and sentence fund to be answerable",—for having, on the day of November last, "of the speciall causing, command, directioun, resset, assistance, and ratihabitioun of the said Erll of Caithnes and Lord Berridaill, his said sone, come under cloud and silence of nicht to the barneyaird of Sansett" &c. &c. (*vide* Decreta, 2nd April 1616, *ante* p. 490 and p. 491); and the Earl and his son having been ordered to exhibit the said rebels, but not having done so, "fearing, gif the saidis three lymmaris wer exhibite, that thay sould have maid ane cleir discoverie of this mater aganis thame":—the Lord Advocate being now present, and Lord Berridaill also appearing, but the Earl of Caithnes not being present, the Lords order Lord Berridaill to enter himself in ward within the Castle of Edinburgh, "betuix and the morne at sax of the clok at night," and to remain there at his own expense till he exhibit the said three rebels; and they order the said Earl of Caithnes to be denounced rebel for not appearing.

Fol. 50, b.

Decreta Mar. 1616–Jan. 1617.

[Sederunt as recorded above.]

Edinburgh, 23rd July 1616.

Caption against Gordon of Westhill for debt.

Fol. 201, a. Complaint by Johnne Logane, stabler, burgess of Edinburgh, that William Gordoun of Westhall remains unrelaxed from a horning of 15th August 1614 for not paying £160 of principal and £60 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Adam and Robert Rutherfurd for debt.

Fol. 201, b. Complaint by Johnne Davidsoun, son of the late Thomas Davidsoun, burgess of Jedburgh, that Adam Rutherfurd, bailie of Jedburgh, and Robert Rutherfurd, his son and heir, remain unrelaxed from a horning of 19th June last for not paying 200 merks of principal and £20 of expenses.—Pursuer appearing by Archibald Douglas, macer, and the said Adam Rutherfurd not appearing, the Lords give order to the Captain of the Guard as above.

Caption against Thomas Moncur for debt.

Fol. 202, a. Complaint by James Skrymgeour of Fardill that Thomas Moncur, brother-german of Andro Moncur of that Ilk, remains unrelaxed from a horning of 13th January last for not paying £160 of principal and 20

[1] The new Counsellor, formerly known as Sir James Colvill of Easter Weymss, had been created Lord Colvill of Culross, 20th January 1609.

merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order against defender as above. Decreta Mar. 1616–Jan. 1617.

David Hammilton and other gentlemen of the Guard against Mary Seaton and her sons for deforcing them in their duty of executing hornings against Kinninmonth of that Ilk.

Complaint by David Hamiltoun, Edward Kincaid, and Stewart, three of the Gentlemen of the Guard, as follows:—Pursuers went on a day in July instant to the place of Craighall, to take the same upon two hornings executed against David Kynnynmouth of that Ilk and his spouse, at the instance of James Hammiltoun, macer, the one for not removing from the lands of Craighall, and the other for not finding lawsurety to the said James. They waited about for an occasion to take the house without trouble to themselves or those within; and, at length, finding the gates open, and not suspecting the presence of armed men, they entered and took possession of the house. In the meantime Marie Seatoun, wife of the said David Kynnynmouth, and Patrik, Andro, David, and Johnne Kynnynmouth, their sons, had armed some accomplices to the number of twenty four or thirty, had hidden them in chambers and other houses within the place, and had not suffered them to come forth till pursuers were in possession; whereupon they rushed forth and cruelly assaulted pursuers, who made what defence they could, but in the end were overmastered and spoiled of their arms. They were driven down the stairs, and "schote" out at the gates with many disdainful speeches, the defenders saying, that "thay sould keip that house in despyte of his Majestie, his Counsaill, and all that wald say the contrair in Scotland." They have fortified the house, and retain it as a house of war.—Edward Kincaid appearing for pursuers, and defenders not appearing, the Lords order the said Marie Seatoun, and Patrik, Andro, David, and Johnne Kynynmonth, her sons, to be denounced rebels. Fol. 202, b.

Commission for the trial of Jonet Irving, prisoner.[1]

Commission under the Signet, signed by the Chancellor, Mar, Kilsythe, and A. Drummond, to George Wishert of Drymme, and Robert Rollok in Brechine, to try Jonnett Irwing, who was the principal deviser of the poisoning of the brethren of the house of Dyn, and who has been for a long time in custody. Commissions. Fol. 12, b.

General Assembly.

"Proclamatioun of the Generall Assemblie." [See under 18th July 1616.] Sederunts. Fol. 139, b.

Edinburgh, 25th July 1616.

Sederunt—Chancellor; Lotheane; Binning; Bishop of Ros; Master of Elphinstoun; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Kilsyth; Medop; Sir James Skeene; Mr. Peter Rollock; Sir Peter Young. Acta Mar. 1615–Aug. 1617. Fol. 51, a.

Order to the Earl and Countess of Caithness and Mr. George Sinclair to appear before the Council to answer for their dis-

"Forsamekle as George, Erll of Caithnes, Dame Gordoun, his spous, and Mr. George Sinclair , being this lang time bigane suspect in relligioun, hes not onlie refuisit to gif satisfactioun to the Kirk in materis of relligioun, bot lykewayes the said Erll and his said

[1] This Commission is undated in the *Book of Commissions*. There is a reference in the *Book of Sederunts* under the date given above, to a "Commissioun aganis Jonett Irwing."

Acta Mar. 1615–Aug. 1617.

spous interteynis in thair housis and service profest papistes, to the perverting of nombaris of his Majesties good subjectis and increase of poperie in the boundis of Caithnes, heichlie to his Majesties offence and contempt of law and justice,—thairfoir the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing the said Erll of Caithnes, and his said spous, and Mr. George Sinclair, to compeir personallie befoir the saidis Lordis upoun the xxviij day of August nixttocome, to answer to the premisis, and to underly suche ordour as salbe tane thairanent, under the pane of rebellioun, &c., with certificatioun, &c." affection in religion.

Decreta Mar. 1616–Jan. 1617.

[Sederunt as recorded above.] Edinburgh, 25th July 1616.

Fol. 203, a.

Complaint by William Lesk, apparent of that Ilk, as follows:—On a day in December last, George Gordoun of Geycht, and William Hay, his son-in-law, attacked pursuer on the highway, the former with a drawn sword and the latter with two swords pulled out of one scabbard. The said George broke his weapon upon pursuer's head, and his son-in-law struck him in divers places through the clothes.—Pursuer appearing personally, and the defender George Gordoun not appearing, the Lords order him to be denounced rebel. To denounce Gordon of Gicht for assault on William Leask.

Fol. 203, b.

Complaint by David Hunter, merchant burgess of Dundie, that James Marschell, merchant burgess of Perth, as principal, and Mr. James Stewart of Ladywoll, as cautioner, remain unrelaxed from a horning of 28th November 1615 for not paying 350 merks of principal and £20 of expenses.—Pursuer appearing by Hew Peblis, his procurator, and James Stewart not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Caption against James Marshall and Mr. James Stewart for debt.

Fol. 204, a.

Complaint by Mr. Mathew Hairstanes, "servitoure to his Heynes darrest spous the Quenis Majestie," that Sir Alexander Kirkpatrik of Kirkmichaell, as principal, and Roger Kirkpatrik in Glenerwod, as cautioner, remain unrelaxed from a horning of 13th May last for not paying 700 merks of principal and £100 of expenses.—Pursuer appearing by Johnne Bartane, his procurator, and defenders not appearing, the Lords give order to the Captain of the Guard as above. Caption against Sir Alexander and Roger Kirkpatrick for debt.

Fol. 204, b.

Complaint by Walter Stewart, son of Waltir, Lord Blantyre, and the said Lord, as "administrator, tutour, gydair, and governour," that Johnne Scherar in Mugdok, Frances Plewwricht there, Johnne Bryce there, Robert Henrie, Johnne M°Indo in Arlewne, Johnne Angus in Kirkland, Gilbert Craig there, Johnne Malcolme in Hoill of Ballagan, Johnne Masoun in Hoill of Braid Gait, Mathew Lapslie there, Ewphame Abirnethie, his mother, at the mill thereof, Johnne Bryce in Blairquhoch, Waltir Williamsoun there, Waltir Knox there, Andro Galbraith in Thayne Darroche, Patrik Robertsoun in Gannochen, James Brown there, Niniane Miller there, Andro Liddall in Fynnoch Hauch, Johnne Liddell there, Johnne Adam there, Johnne Sqyre there, David Liddell there, Caption against John Sherar, Frances Plewricht, and a number of others for non-payment of dues.

Andro Adame in Thridis, Cuthbert Adame there, Thomas Adam in Thridis, and Gilbert Provand in Wester Thridis, remain unrelaxed from a horning of 25th May last, for not paying the teind victual mentioned in the letters of horning.—Pursuer appearing by Robert Innes, his procurator, and defenders not appearing, the Lords order the Captain of the Guard to apprehend Frances Plewwricht, Johnne M^cIndo, Gilbert Craig, Waltir Williamsoun, Waltir Knox, Andro Galbraith, Patrik Robertsoun, James Brown, Niniane Miller, Andro Liddell, Johnne Liddell, Johnne Adam, Johne Squyre, David Liddall, Andro Adam, Cuthbert Adam, Thomas Adam, and Gilbert Provand, seize their houses, and inventory their goods for the King's use. Decreta Mar. 1616–Jan. 1617.

Caption against James Tennent for debt.

Complaint by Mr. Alexander Lockhart of Braidshaw, that James Tennent of Lenhouse remains unrelaxed from a horning of 23rd July inst. for not paying 1200 merks of principal and £100 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard as above. Fol. 205, a.

Caption against Mr. Thomas Ray for debt to Mr. John Ray, master of Edinburgh Grammar School.

Complaint by Mr. Johnne Ray, master of the Grammar School of the burgh of Edinburgh, that Mr. Thomas Ray, minister at Cortaquhy, remains unrelaxed from a horning of 13th June last for not paying 550 merks of principal and 100 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.[1] Fol. 205, b.

Government prosecution of a number of persons for usury.

Complaint by the King's Advocate as follows:—On 30th June last, he obtained decreets from the Lords of Council and Session against Johnne Mureheid in Mossyd, James Lowrie in Muretoun, Johnne Adam in Keirhill, Alexander Stewart at the mill of Killerne, Johnne Wilsoun in Stenneris, Jonet Andro, relict of Johnne Mure, tailor in Glasgow, Mungo Hammiltoun, "cordiner" there, Barbara Stewart, relict of James Mure, merchant, there, Elizabeth Flemyng, Johnne Wallace in Corslat, her spouse, Sibilla Brown in Glasgow, Johnne Alexander, sometime in Arnelis and now in Brigend, Thomas Ure in Langsyd of Cathcairt, Thomas Blaikwood, smith in Kirklie, Robert Gillice in Abbotisinche, Adame Adame in Lonheid, William Lygett in Burnebank, Agnes Stewart in Inchegothrik, Andro Gemmill in Greinhill, and Johnne Boigis, tailor in Irwing, for taking more than 10 per cent. of annualrent for money lent. Defenders had been summoned to appear this day to receive sentence.—Pursuer appearing personally, and the said Johne Alexander, Thomas Ure, Thomas Blaikwood, and Johne Maxwell appearing, but the remaining defenders not being present, the Lords order those not appearing to be denounced rebels. Fol. 206, a.

To denounce Thomas Valley for not appearing to a charge of of assault on two women.

Complaint by Margaret Hammiltoun in , Agnes Leslie, her daughter, and spouse of Robert Bennet, servitor to Sir Mungo Murray of Fol. 206, b.

[1] The Mr. John Ray of this suit had been formerly Professor of Humanity in the University of Edinburgh. Drummond of Hawthornden, who had been in his class there, speaks of him with high respect as having been an excellent teacher and fine Latinist.

Decreta Mar. 1616-Jan. 1617.

Drumcairne, knight, and the said Robert Bennet, as son-in-law of the one and spouse of the other, for his interest, as follows:—On a Sunday in July instant, when the said Margaret and her daughter were walking about the fields of the lands of , in the afternoon, after the preaching, they were met by Thomas Valley in Kettle in Fyff, who attacked them most fiercely. He wounded the said Margaret severely in the head, and broke her right arm; and he struck the said Agnes to the effusion of blood. The said Margaret is an aged woman past threescore years.—The said Margaret and Robert Bennet appearing for pursuers, and Thomas Valley not appearing, the Lords order the said defender to be denounced rebel.

To denounce Gordon of Ardlogy and others for oppression on William Leask.

Fol. 207, a. Complaint by the King's Advocate, and William Lesk of that Ilk, as follows:—Johnne Gordoun of Ardlogy, Patrik, Alexander, and Robert Gordoun, his brothers, and William Keyth, brother of George Keyth of Clakreauch, having conceived a deadly hatred against pursuer and his eldest son, Williame Lesk, have for a year and a half past worn hagbuts and pistollets to take advantage of them, who in obedience to the law carry none. They have often lain in wait for pursuers, and have searched for them in different parts so that they may not travel through the country for fear of attack. On 4th August last, the said William Keyth went by way of hamesuckin to pursuer's dwelling-house of Lesk, "and, being upoun horsbak with a pair of pistolletis at his belt, he raid up and doun a long tyme foirnentis the said complenairis yett, schouteing and making provocatioun to him, his bairnis, or servandis to haif come furth; bot thay, for the respect and regaird quhilk thay careyed to his Majesteis obedience and peace of the cuntrey, comportit with this folie at that tyme."—Pursuers appearing personally, and the defenders, Johnne Gordoun, Alexander Gordoun, his brother, and William Keyth, not appearing, the Lords order them to be denounced rebels.

John Crichton against Hew Campbell for assault.

Fol. 207, b. Complaint by Johnne Creichtoun in , as follows:—On 18th June last, Hew Campbell in Elveinshill having poinded some "goods" on the lands of Welwood, where they were at pasture, the pursuer, who had some sheep grazing on the same land, modestly asked defender to let him see if any of his sheep had been poinded. The said Hew, and William Brown, tailor in Glaspen, thereupon attacked pursuer with swords and staffs, and wounded him in the left hand and in other parts of his body.—Pursuer appearing personally, and the said Hew Campbell being present in name of defenders, the Lords order the said Hew to pay £30 to pursuer for the assault, and to be detained in the Tolbooth of Edinburgh at his own expense till he make payment of the same.

Sederunts. Fol. 139 b.

Sederunt—Chancellor; Binning; Bishop of the Yllis; Treasurer Depute; Medop; Advocate. 28th July 1616

Earl and Countess of Caithness.

"Chairgeis aganis the Erll of Caithnes and his wyffe to compeir on the 28 of Julij."[1]

[1] This is obviously a repetition of the business entered under 25th July 1616, *ante* p. 584.

MacClean and his brother warded.

"The quhilk day Hectour M°Clane of Dowart and Lauchlane M°Clane, his bruther, wer committit to warde in the Castell, for not finding of cautioun as the rest of the Yllismen hes done." Sederunts. Fol. 140, a.

Band of five of the Islesmen.

"The quhilk day M°Cleud of Hereis, the Capitane of Clanrannald, M°Kynnoun, Coill, and Lochbuy subscryvit thair band."

Donald Gorm.

"Chairgeis to be direct aganis Donald Gorme for subscryving of thair band."

Edinburgh, 30th July 1616.[1]

Sederunt—Chancellor; Glencarne; Bishop of Ros; Binning; Master of Elphinstoun; Privy Seal; Treasurer Depnte; Justice Clerk; Advocate; Kilsyth; Medop; Sir James Skene; Mr. Petir Rollok; Sir Andro Ker; Sir Petir Young. Decreta Mar. 1616–Jan. 1617. Fol. 208, a.

Mr. William Hamilton and others against William Carruthers and others for assault and insolence.

Complaint by Mr. Williame Hammiltoun, minister at Mouswall, and James Hammiltoun and Johnne Dicksoun, burgesses of Drumfreis, as follows:—On 19th September 1615 a tryst was kept by the said Mr. William, on the one part, and the late Carrutheris of Holmaynis, on the other, to settle a controversy anent the teinds of Wodland. William Carrutheris of Knox, accompanied by George Carrutheris, his brother, Mr. James Ogrie, writer, James Carrutheris in Litle Datoun, and others, all armed, went to the pursuer and menaced and upbraided him, "bidding the said minister tak his decritis and dicht his ears with thame, and farder disdanefullie saying 'Pack yow away soone with these dastartis that are with yow: your craig youkis; we vow to God to lay oure swerdis upoun it.'" They drew their swords, and stayed the said Mr. Williame in the collection of the teind. On 13th July inst., while the said pursuer was accompanying Johnne Blak, messenger, who was driving some "goods" towards Drumfreis to be apprised at the cross in satisfaction of the said teind, the said William Carrutheris, with Johnne Irwing in Knox, David Gas there, and Archibald Carrutheris, "callit Mungois Archie," made a fierce attack on them with swords and staffs. In the evening, when the cattle were brought from the cross to the fields without Drumfreis, the foresaid defenders came to the said James Hammiltoun and Johnne Diksoun, who had been entrusted by Mr. William with the keeping of the cattle for his use, and not only took away the said cattle, but committed a cruel assault upon them.—Mr. William Hammiltoun appearing personally for himself and other pursuers, and the said William Carrutheris, Johne Irwing, David Gais, and Archibald Carrutheris not appearing, the Lords order them to be denounced rebels. Fol. 208, b.

[1] Under date 29th July 1616, Calderwood notes (vii. 222):—"Mr. Robert Howie, Mr. Peter Bruce, Mr. James Martine, Principalls of the thrie Colledges of St. Androes, Mr. Patrik Melome, Mr. Henrie Philip, Mr. Johne Strang, Mr. James Blair, and Mr. David Barclay were inaugurate Doctors at St. Androes. This noveltie was brought in amongst us without advise or consent of the Kirk. Mr. Johne Carmichael, Mr. David Mearnes, and Mr. Johne Dykes refused to accept that degree. Doctor Young was the directour of the solemnities of this action."—The Doctorate meant by Calderwood was that of Divinity; and his intimation is that now first in Reformed Scotland was there any University creation of Doctors of Divinity.

Decreta Mar. 1616–Jan. 1617.

Caption against Elphinstone of Henderstoun for debt.

Complaint by Mark Hammiltoun, servitor to Thomas, Lord Binning, his Majesty's Secretary, that Johnne Elphingstoun of Hendirstoun remains unrelaxed from a horning of 16th January last, for not paying sundry debts of "money, cornis, cattle, horse, nolt, scheip, and utheris guidis and geir."—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 209, a.

Caption against Porteous of Hawkshaw for debt to Lord Stewart of Ochiltree.

Complaint by James, Lord Stewart of Uchiltrie, sometime styled Sir James Stewart of Killeith, assignee of Johnne Murray, Lieutenant of his Majesty's Guard, donator constituted by his Majesty to the escheat of James Stewart, called of Jerusalem, that Patrik Porteous of Halkschaw remains unrelaxed from a horning of 22nd December 1615 for not paying 1200 merks of principal and 100 merks of expenses, together with his share of £24 of expenses of plea and collector's silver, specified in a decreet obtained by pursuer as assignee on 22nd March 1615.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Fol. 209, b.

Suspension of horning against Andrew Kirkwood.

Complaint by Andro Kirkwood, burgess of Striveling, that he has been put to the horn wrongously at the instance of Arthour Houstoun, burgess of Striveling, for not appearing before the Council to answer a charge of assault on the said Arthour. Pursuer was never lawfully summoned. For obedience, he had found caution for 100 merks to appear this day.—Pursuer appearing personally, and defender not appearing, the Lords suspend the said process of horning against pursuer.

Fol. 210, a.

The Bonnetmakers of the Canongate against John Christie for disobedience to an old decreet of the Council in favour of pursuers.

Complaint by the bonnetmakers of the Cannogait as follows:—"That quhair, thair being ane band and appointment maid betuix the deaconis of the bonnetmakeris and walkeris of the burgh of Edinburgh, on the ane pairt, and the walkeris at the Silver Myllis, Bellis Mylne, Wester Woodmylne, Roisling Mylne, Beldony Mylne, Colintyne Walkmylne, and utheris walkmylnes heirabout, on the uther pairt, quhairby the saidis walkeris wer bundin and obleist that thay sould nawys worke to the saidis complenaris or ressave ony work from thame without the speciall advise and consent of the saidis deaconis of Edinburgh, undir certane panes mentionat in the said band, the saidis complenaris meanit thame thairupoun to the Lordis of Secrite Counsaill, and, the said walkeris being callit and convenit before the saidis Lordis, and haveing grantit the tennoure and conditioun of the said band, the saidis Lordis, efter dew consideratioun thairof and of all that wes proponnit and alledgeit be thame thairanent, fand and declairit that the said band wes unlauchfullie maid, and thairfore decernit the same to be null and of nane availl, force, nor effect, and to mak no faith in judgement nor outwith in tyme comeing, and decernit the saidis walkeris to ressave frome the saidis complenaris all suche work and bonnetis as thay sould present unto thame, and to deliver the same bak agane to thame dewlie and sufficientlie walkit upoun thair reasounable expensis, as the said decrite of the dait the first day of December 1608 yeiris, schawne to the Lordis of Secrite

Counsaill, beiris. Unto the quhilk decrite and letteris reasit thairupoun the saidis walkeris for the tyme gaif all dew obedience, and maid no kynd of questioun nor refuisall unto the saidis complenaris in walking of thair bonnetis, till now of lait that, some of thame being depairtit this lyff, and some haveing left the saidis mylnes, and utheris personis haveing enterit in thair rowmes and placeis,—as namelie, Johnne Crystie at Bellis Mylne haveing enterit in the rowme and place of umquhile Jonett Gilleis, his mother,—they seame to misknaw the decrite and sentence foirsaid gevin in the saidis complenairis favouris, and refuisis to ressave thair work and bonnetis and to walk the same to thame upoun thair expensis, alledgeing and pretending that thair is no decrite nor sentence gevin aganis thame, and that thay are not obleist in obedience to the decrite gevin aganis thair predicessoris."—Johnne Hereot, Patrik Hereot, Thomas Wylie, and Alexander Chalmeris, bonnetmakers of the Cannogait, appearing for pursuers, and the said Johnne Crystie, defender, not appearing, the Lords order the said Johnne Crystie and his successors serving at the said mill "to ressave frome the saidis complenaris thair worke and bonnetis, and to walk the same upoun thair reasounable expensis, according as thay serve uther men, conforme to the decrite foirsaid."—Because defender did not appear in answer to the charge of Archibald Douglas, macer, on 26th July instant, to conform to the decreet or to appear to show excuse, the Lords order him to be put to the horn. Decreta Mar. 1616–Jan. 1617. Fol. 210, b.

Ramsay of Cockpen against Thomas Blackie and others for assault.

Complaint by Nicoll Ramsay of Cockpen, as follows:—On 24th June last, Thomas Blakye in Westhousis, William and Hew Blakye, his sons, and James Woderspone, his servant, went in a tumultuous manner to pursuer's "proper querrell" of Southsyd, where his spouse Elizabeth Rig was for the time, and put violent hands on her, "rasched hir over ane craig in the said querrell, harlit hir athorte the said querrell, put and set thair kneis upoun hir breist, and gaif hir mony bauch and bla strykis and left hir for deid." Pursuer, who went to ask them why they had so abused his spouse, was likewise assaulted, knocked down, and altogether misused. He is an aged man past threescore years.—Pursuer appearing personally, and the said Thomas Blaikie and Hew Blakie being also present, the Lords order defenders to be committed to the Tolbooth of Edinburgh, and to be detained there at their own expense during their Lordship's pleasure. Fol. 211, a. Commissions. Fol. 6, b. Fol. 7, a.

Commission for the trial of Andrew Greig for murder.

Commission under the Signet, signed by the Chancellor and Binning, is given to the provost and bailies of Peiblis, or any two of them, to try Andro Greig, "glasinwricht" in Peiblis, who was apprehended on 25th July instant, for the murder of Robert Miller, slater in Dowglas, with a drawn sword between Stobo and Hoprig.

Protection to Fergus MacBeth of Ballanavy.

"JAMES, &c.: Forsamekle as we are crediblie informit that oure lovit Fergus M^cBeth of Ballanavy hes at all tymes bigane profest our obedience and behavit him selff as ane dewtifull and obedient subject to us—in consideratioun quhairof, we haif taikin, and be the tennour heirof takis, the said Fergus, undir oure protectioun, defence, supplie, and saulfgaird,

Commissions. to be unhurte, unhairmit, unmolestit, or troublit in his body or goodis for quhatsumevir deid, caus, or occasioun utherwyse, nor be ordour of law and justice during all the dayis of his lyftyme; chairgeing heirfore yow all and sindrie our saidis leigeis and subjectis that nane of yow presome nor tak upoun hand to vex, molest, harme, trouble, or persew the said Fergus, or to do or attempt onything to the brek or violatioun of this our protectioun,—as yow and ilkane of yow will answer to us upoun the contrarie at your heichest perrell." Given under the Signet and signed by the Chancellor, Glencarne, and Binning.

Sederunts. Fol. 140, a. "The quhilk day the Lord of Binning, the Thesaurair Depute, the Advocat, Kilsayth, and Sir William Hairt gaif thair oathe to execut the commissioun of justiciarie grantit to thame in the northe deutifullie. Commission of Justiciary for the north.

"Commissioun anent the Justiceis of Peace in the Northe." Justices of Peace in the North.

Minute Book. The *Minute Book of Processes* gives the following memoranda collectively for the month of July 1616:—

Oppression: Laird of Swintoun against tenentis of Horsirpluch.

Proces: Abigall Carmichaell against James Inglis for intercomoning with Hew Weir.

Petitione: the parochineris of Tullibodie for ane impost to repair the bridg of Tullibody.

Ryott: William Davidsone against Robert Ker, &c.

Letteris to be putt to libertie: Robert Brysone against the baylies of the Canongate.

Protestation: Robert Forbes against Gilbert Thomson.

Letteris: Boswall of Pittedie against James, David, and Johne Boswallis to find a lyke caution to him as he had done to them.

Ryott; Huchone against Mouster and utheris; *et e contra.*

Rebellion: Jean Hamiltoun against Johne Ballenden.

Rebellion: Johne Fluker against Jardin of Apilgirth.

Ryott: Jean Dunbar against Thomas Tayleour.

Rebellion: James Strauchan against Laurence Nairne.

Ryott: Johne Young against Hoome and utheris.

Ryott: James Blair against Johne Lyon.

Rebellion: Arthour Stratoun against the Lord Scone.

Rebellion: Robert Scott against Walter Gladstanes.

Ryott: Issobell Lyon against James Blair.

Proces: Advocatt against certane persones for exporting victuall.

Oppression: Sir James Erskein and his tenentis against Thomas Guilletie, &c.

Oppression: Lord Gordon against Hectour M^{c}Clain.

Proces: Joseph Majorbankes and utheris merchantis in Edinburgh against Archibald Campbell anent the privileg of making reid herring, whereto both parties pretended a privileg.

Ryott: William Chaip against Patrik Bruce.

Rebellion: Provest of Dundie against Johne Rynd, &c. Minute Book.

Rebellion: James Edmonstoun against James Keith.

Proces: Advocat against certan persones for exporting victuall.

Ryott: Adam Walker against Robert Scott.

Petition for ratificatione of ane act in favouris of the Burrowes.

Petition: Alexander Gordon against Johne Grant &c. for offer to fight.

Rebellion: Laird Cashogill against Lady Torthorwald.

Rebellion: Thomas Paterson against Johne Charteris.

Petitione: James Harvy against Georg Currour to insist.

Ryott and oppressione: Grant against Gordon and Grant.

Rebellion: William Sothert against Jonstones.

Letteris: Andro Kirkwood against the magistratis of Stirling to be putt to liberty.

Proces of ryott: certane of the Guard against Kinimonth, &c., who wer commissionat to tak in the house of Craighall.

Rebellion: Johne Davidson against Adam and Robert Rutherfoord.

Rebellion: James Scr[i]mgeour against Thomas Moncurr.

Rebellion: Johne Logan against William Gordon.

Ryott: William Brand, &c., against Blakadder, &c.

Rebellion: Mr. Alexander Lokhart against James Tennent.

Rebellion: David Huntar against James Mershell.

Ryott: Hamiltoun and Lesly against Thomas Waley.

Ryott: Laird of Lesk against Johne Gordon.

Rebellion: Walter Stewart against Johne Sheirer.

Rebellion: Mr. Mathew Hairstanes against Laird of Carmichaell.

Ryott: Johne Crichtoun against Campbell and Brune.

Rebellion: Mr. Johne Rae against Mr. Thomas Rae.

Ryott: William Lesk against the Laird of Geight.

Ryott: Mr. William Hamiltoun against Carrutheris.

Rebellion: Mark Hamiltoun against Elphingstoun.

Rebellion: Lord Stewart against Patrik Porteous.

Suspension: Andro Kirkwood against Arthour Houstoun.

Proces: Bonatmakeris against the walkeris to abyd at ane band maid betuixt them.

Ryott: Ramsay of Cokpen against Blakies.

Edinburgh, 1st August 1616.[1]

Sederunt—Chancellor; Lennox; Mar; Glencarne; Wyntoun; Lotheane; Bishop of Ros; Bishop of Caithnes; Binning; Master of Elphinstoun; Treasurer Depute; Privy Seal; Justice Clerk; Advocate; Kilsyth; Medop; Sir James Skeene; Sir Peter Young; Mr. Peter Rollok; Sir Andro Ker; Sir Andro Hammiltoun. Acta Mar. 1615–Aug. 1617. Fol. 51, a.

Act renewing former Acts against the export of wool.

"Forsamekle as, the King's Majestie and his Estaitis of Parliament forseeing that the transporting of woll furthe of this kingdome wes a trade

Acta Mar. 1615-Aug. 1617.

verie hurtfull and prejudiciall to the commounwelle, and did not onlie rais the prices of the woll to suche extraordinair hight and derthe as the poore anes of the cuntrey had not the meanes to mak thair necessair provisioun and furnissing thairwith for thame selffis and thair families, bot lykewayes did prejudge the haill cuntrey of that commoun benefite whilk the workeing thairof at home in cloathis and stuffis wald probablie haif produceit gif onie cair or ordour had bene tane thairanent, and besides a grite nomber of poore people, young and auld, who by workeing of the woll at home wald haif bene sett and haldin at worke, wer maid to ly idill, to thair utter wrack, miserie, and undoing,—for remeid quhairof his Majestie, with advise of the saidis Estaitis, did by divers actis of Parliament verie straitlie prohibite and dischairge the transporting of woll furthe of this realme, under the pane of confiscatioun of the said woll and of the haill remanent goodis of the awnaris and transportaris thairof, as by divers actis [of] Parliament maid and publist to this effect is evident,—the actis being for some certane yeiris reverentlie obeyit [and] the transporte of woll accordinglie forborne, sua that the priceis thairof become reasounable and moderate and [thair] wes grite plentie of the same within the cuntrey, [wherby] nomberis of people of all rankis and qualityis . . the making of stuffis at home, sua that now the . . stuff is brocht to a verie grit perfectioun, to the [verie] grite benefite of the haill countrey. Nevertheles thair hes bene some neglect and oversicht in the executioun of the saidis actis of Parliament, and the woll hes bene to frequentlie transportit furthe of this realme; quhairupoun hes not onlie followit the derthe of woll, bot that the course and progres of

Fol. 52, a.

making of stuffis, whilk had ane goode beginning in this cuntrey, is by the unlauchfull transporte of the woll interruptit, hinderit, and crost, to the verie grite hurte of the commounweelle. Thairfoir the Lordis of Secreit Counsall ordanis letteris to be direct chargeing officeris of armes to pas to the mercat croceis of the heade burrowis of this realme and utheris placeis neidfull, and thair be oppin proclamatioun to mak new publicatioun of the saidis actis of Parliament, sua that nane pretend ignorance of the same, and to command, chairge, and inhibite all and sindrie his Majesties liegeis and subjectis that nane of thame presoome nor tak upoun hand to carye or transporte furth of this realme onie woll under quhatsomevir cullour or pretext, under the pane of confiscatioun of the said woll, and of the haill remanent moveable goodis of the awnaris and transportaris thairof,—certifeeing thame that failyees or dois in the contrair that thair said woll and moveable goodis salbe esheit and inbrocht to his Majesties use without favour."

Contract with Nicolas Stone of London for the repair of the Chapel of Holyrood-house.

His Majesty having "gevin expres command and directioun for repairing of his Majesties chappell within the Palice of Halirudhous with daskis, stallis, laftis, and otheris necessaris, in suche decent and comelie forme and maner as is aggreable to his Majesties princelie estaite," and it having been found that "this work could not be gottin so perfytlie and well done within this cuntrey as is requisite," therefore Sir Gedeone

Murray of Elibank, Treasurer Depute, "with the speciall advise and consent of the Lordis of his Majesties Previe Counsall, hes conditioned and aggreit with Nicolas Stone, carvair, citienair of Lundone, for making, perfyting, and upsetting of the said worke within the said chappell, upoun payment to be maid be the said Deputie Thesaurair to him of the sowme of foure hundreth and fiftie pundis sterling, lauchfull money of England, at certane termes mentionat and contenit in the contract and appunctuament past betuix thame thairanent, as the same of the daite the day of August instant bearis." The Lords now allow the agreement, and order the receivers of the rents to make timeous payment of the said sum to Nicolas Stone, "and to releve the said Deputie Thesaurair of all payment of the said sowme, or otherwayes as the said Deputie Thesaurair sall think more expedient for his releif of the said sowme." They also allow that he "reteene in his awne handis so mutche of his Majesties moneyis as will compleitlie pay the said sowme; for retentioun quhairof the extract of thir presentis salbe unto him a warrand." Acta Mar. 1615–Aug. 1617. Fol. 52, b.

Sir Andrew Hamilton of Reidhouse admitted of the Council.

This day the Lords admitted Sir Andro Hammiltoun of Ridhous, knight, a member of Council. He, being present, took in due form the oath of allegiance and the oath of a Privy Councillor.—"His Majesties missive letter for the warrand of the act abonewrittin:—Right trustie and right welbeloved cosen and counsellour, wee greete yow well. Whereas Sir Andro Hammiltoun of Ridhouse, knicht, one of the Senatoris of our Colledge of Justice, hath, since his first admissioun to that place, most dewtifullie behaved him self in the exercise and dischairge thairof, to the deserved approbatioun of all men as one [no less] sufficient then otherwayes worthie to be preferred [and pro]moved to some better place, in regaird of his irreprochable integritie and fame in our service, wee have thoght goode, for his better incuragement and as a speciall marke of our favour, to grace and honour him with a place of our Privie Counsell there. Wherefore these ar to will and require yow to call unto yow the said Sir Andro Hammiltoun, and, ministering unto him the ordinarie oathes, to sweare and admitt him one of your ordinarie nomber, geving him place and voice at our Counsall table, with all other honour, dignitie, and previledge whatsoevir dew to the place of Previe Couns[elloris], to be enjoyed and possest by him during all the dayes of his lifetyme as freelie in all respectis as ony other of your ordinarie nomber doeth enjoy, and possesseing the same be vertew of his place. And, in that behalf as these salbe unto yow ane warrand sufficient, so wee bid yow fairweelle. At Haimes, the 21st day of Julij 1616." [1] Fol. 53, a.

His Majesty's instructions as to procedure of the Council in the matter of the feud between the Gordons and the Hays.

"The quhilk day the missive letter underwrittin signed be the Kingis Majestie and direct to the Lordis of Secreit Counsall being presentit unto the saidis Lordis and oppynit and red in thair audience, and thay being weele advisit with the contentis and tennour of the same,

[1] Sir Andrew Hamilton of Redhouse had been one of the ordinary judges of the Court of Session since June 1608, in succession to his father Sir Thomas Hamilton of Priestfield. His more famous brother was Lord Advocate Sir Thomas Hamilton, now Lord Binning and Secretary of State.

Acta Mar. 1615–Aug. 1617.

and allowing of his Majesties most princelie, wyse, and judicious directioun thairintill, thay haif ordanit and ordanis the said letter to be insert and registrat in the bookis of Secreit Counsall, to the effect that the ordour prescryvit thairintill anent the particulair betuix the Hayes and Gordounis may be observed heirefter in all incidentis of the lyke nature. Off the whilk missive letter the tennour followis:—Right trustie and welbeloved cosen and counsellour, and right trustie and welbeloved counselloris, wee greet yow weell. Wee once hard of ane aggreiance betwene the Hayes and Gordonis, but ar not the les now certified of the contrarie, and that the saidis Hayes ar now resolved to urge the benefite and executioun of our lawes, alsweill against the unlauchfull imprisonares and putteris to death of thair late kinsman Frances Hay as against the invaderis and hurteris of the brethrein of Brunthill. In whiche regaird, and upoun the not-aggreiance of the afoirnamed pairties, wee have thocht good to recommend unto yow two thingis, whiche yee ar accordinglie to performe. The first is, that yee proceid with all care and diligence to a full and exact tryall of the committeris and accessaries guiltie of the foirsaidis crymes, especiallie of the unlauchfull committment and executioun of the said Frances Hay, and that, this done, yee caus do justice against the offendaris according to the merite and qualitie of the cryme quhairof thay salbe fund culpable. The nixt thing whiche wee ar to recommend to yow is (after due triall and punishement of the delinquentis) to urge the foirsaidis pairties to reconcile and aggrie. For, as a reconciliatioun can not upoun equall termes intervene betwene guiltie and innocent, so is it necessarie that justice preceid for making the guiltie pairtie innocent by punisheing offendaris, that thairefter a freindschip and aggreiance may be performed betuix the pairties so made innocent on both sides. And what in this case wee have prescrived, the lyke yee ar to observe and use as a rule and square to direct yow in all incidentis of this or the lyke nature, knawing that, [as] wee rigne not *precario* bot a frie and absolute king, so we will nather suffer the reconciliatioun of pairties amongst thame
Fol. 53, b. selffis to interrupt the dew course of justice in the punishment of crymes whairin wee have interesse, nor that the lauchfull instance of pairties interessed against suche malefactoris to be punished by the hand of our Justice salbe ane occasioun of discorde amongst the freindis of suche pairties therefter. And so, not doubting but yee will proceid to the performance of the premisis with that care and diligence that the consequence of the mater and wee for our satisfactioun do require, wee bid yow fairwell. At Bletso, the 24th of Julij 1616."

Decreta Mar. 1616–Jan. 1617. Fol. 211, b.

[Sederunt as recorded above.]

Edinburgh, 1st August 1616. Caption against John Home for debt.

Complaint by Alexander Broun in Haymouth, that Johnne Home, younger, portioner of Kello, remains unrelaxed from a horning of 11th October last for not paying £60 of principal and £10 of expenses.—

Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta Mar. 1616–Jan. 1617.

Hew Shaw against John Wilson for assault.

Complaint by Hew Schaw, servitor to Patrik Porter in the Water of Leith, and the said Patrik as master, as follows:—On 29th July last, Johnne Wilsoun, smith in the Dene, went, with a great hammer in his hand, to the said Patrik's house in the Water of Leith, and gave the said Hew a deadly blow on the head before he was aware of his presence. He also struck him on the left hand, and felled him to the ground.—Pursuer appearing personally, and defender not appearing, the Lords order the said Johnne Wilsoun to be denounced rebel. Fol. 212, a.

Thomas Blaikie against the Laird of Cockpen and his spouse for violence and assault.

Complaint by Thomas Blakie in Westhousis, and William Blaky, his son, tenants and servants of Robert, Earl of Lotheane, as follows:—On a certain day, Elizabeth Rig, spouse of Nicoll Ramsay of Cokpen, went to the lands of Westhousis occupied by the said Thomas, who had there cast a great quantity of limestone. The said Elizabeth "not onlie flang in the lymestone in the howkit querrell quhairoutof the samyn wer won, bot lykwyse, quhenas the said Thomas Blakie preist to haif stayit hir fra the violence foirsaid, scho took the said Thomas be the hair of his baird, and violentlie threw him on his bak in the said houkit querrell. And, not content thairwith, the said day the said Elizabeth Rig, accompanied with nyn weymen, come of new agane to the ground of the saidis landis of Westhousis, quhair the said Thomas Blaky wes in sober maner leiding upoun horse and cairtis the said lymestone af the saidis landis, and thair the saidis personis not onlie violentlie flang the lymestone af the cairtis, bot lykwyse the said Elizabeth tooke the said Thomas be the baird, and threw him on his bak on ane how hoill." On the same day the Laird came to the spot where pursuers were leading their limestone, and, drawing his "quhinyeair," attacked the said William with intent to kill him.—Pursuers and defenders appearing personally, and defenders denying the charge on oath, the Lords assoilzie them. Fol. 212, b.

John Hutson and John Allan against Laurence Merser for assault.

Complaint by Johnne Hutsoun in Litle Kynnaird, and Johnne Allane, there, tenants of Johnne, Earl of Kinghorne, as follows:—On 3rd July last, Laurence Merser of Mekle Kynnaird, accompanied by Thomas Neveing in Mekle Kynnaird, and others, all armed, went to pursuer's dwelling houses in Litle Kynnaird, and attacked them at their own doors with batons and rungs. They hurt also Margaret Prymrois, spouse of the said Johnne Hutsoun, and Johnne Hutsoun, their son, and carried away a great quantity of fuel.—The said Margaret Prymrois appearing for pursuers, and defenders being present, and denying the charge on oath, the Lords assoilzie defenders.

Protest by John and Thomas Mure.

Johnne Mure, elder, in Drumclog, Johnne Mure, his son, and Thomas Mure in Cauldcoitis appearing this day in answer to a summons raised at the instance of Thomas Findlay in Drumclog concerning an alleged assault, and the said Thomas Findlay not appearing, the Lords sustain the protest of defenders that they shall no longer be held to answer to the said letters. Fol. 213, a.

Decreta Mar. 1616–Jan. 1617. Fol. 213, b.

David Morice against Clement and Robert Kincaid for illegal imprisonment.

Complaint by David Moreis, burgess of Edinburgh, and indweller in Leyth, as follows:—Clement Kincaid in , pretending to be one of the Admiralty officers, came on July last to pursuer, and summoned him to appear before the Admiral and his Deputies in the tolbooth of Leyth on the afternoon of 26th July in an action unjustly raised against pursuer by Robert Grahame in the Cannogait. Pursuer went accordingly to the tolbooth to object to some witnesses produced by Robert Grahame. As he was about to enter, the said Robert Grahame, Robert Kincaid, town officer of Edinburgh, William Moresoun, another town officer, the said Clement, and William Robiesoun in Edinburgh, with others, to the number of ten or twelve, arrested him, and carried him from the stairfoot of the said tolbooth to the Tolbooth of Edinburgh,—where he is still detained.—Nicoll Edward, Bailie of Edinburgh, and the other defenders appearing, and the said Nicoll presenting pursuer, the Lords order the Provost and Bailies of Edinburgh to put the said David Moreis to liberty.

Commissions. Fol. 7, a.

Commission to the Earl of Tullibardine to try poachers.

Commission under the Signet, signed by the Chancellor, Bining, R. Cockburne, and Sir A. Hammyltoun, is given for one year to William, Earl of Tulliebairdin, to try all persons found guilty of contravening the acts of Parliament anent the slaughter of game, by killing deer, roe, wildfowl, and venison within the forests of Athoill and neighbourhood,—provided he make due proclamation of the said acts before he put the commission into execution.

Acta Mar. 1615–Aug. 1617. Fol. 53, b.

Halieruidhous, 8th August 1616.

Sederunt—Chancellor; Marquis of Hammiltoun; Mar; Wyntoun; Blantyre.

Licence to the Earl of Errol to leave his present ward for six days for a conference with the Duke of Lennox.

"The Lordis of Secreit Counsall understanding that Ludowick, Duik of Lennox, is verie desyreous to meett and confer with Frances, Erll of Erroll, anent suche materis as the said Duik of Lennox hes to communicat unto him before his returne and bakgoing to court agane, and the right reverend father in God, Johne, Archiebishop of St. Androis, haveing consentit that the said Erll of Erroll salbe licenced to repair unto the Duik of Lennox for meiting and conferring with him as said is, thairfoir the Lordis of Secreit Counsall, at the said Duik of Lennox his earnest requeist and desyre, and by ressoun of the Archbishop his consent foirsaid gevin be him as said is, gevis licence to the said Erll of Erroll to repair from his present waird quhair be now remainis confynit toward Alloway, Strivling, or ony suche uther pairt quhair the said Lord Duik of Lennox salhappin to be for the tyme, and that betuix and the tent day of August nixt, and to remaine and keepe companye and conference with the said Duik of Lennox fra the tent day of August instant unto the xvj of the same moneth, withoute pane, cryme, skaith, or danger to be incurrit be the said [Erll] or his cationeris who ar bund for him for his keeping of his said waird, in thair bodyis, landis, goodis, or geir, notwithstanding of the actis and bandis maid anent the said Erll [his] keeping of his said waird. Quhairanent, and all panes contenit thairintill, the saidis Lordis dispensis,—provyding that the said Erll of Erroll,

betuix and the said [saxteene day] of August instant, returne back agane to his present [waird and] confynement, and thair remane and keepe waird conforme to the actis and bandis formarlie maid thairanent [and under the] panes contenit thairintill; utherwayes thir presentis to be [null]. Gevin at Edinburgh the aucht day of August 1616." Acta Mar. 1615–Aug. 1617.

Licence to the Earl of Angus to go abroad.

Licence to Williame, Earl of Angus, to go abroad for three years, to France or High or Low Germany only, to consult doctors anent his present sickness, and to remain there for the recovery of his health, without skaith to person or goods for so doing, provided he attempt nothing against the Crown or the professed religion during his absence. Given under the Signet at Belvoire Castle, and signed by the Chancellor. Commissions. Fol. 8, b.

10th August 1616.

Licence to Mr. Thomas Hamilton to abroad.

Licence to Mr. Thomas Hammiltoun of Roberttoun to go abroad and remain for two years without skaith to person or goods for so doing, provided he behave as a dutiful subject during his absence. Given under the Signet, and signed by the Chancellor, R. Cokburne, and Glencarne. Fol. 8, a.

14th August 1616.

Licence to Alexander Forbes to go abroad.

Licence to Alexander Forbes of Tolquhane, to go abroad and remain for three years, without skaith to person or goods, provided he behave as a dutiful subject during his absence. Given under the Signet at Aberdeen, and signed by Sanctandrois, Binning, and Sir G. Murray.

[Sederunt not recorded.]

Edinburgh, 19th August 1616.[1]

Act for putting the new Tack of the Customs, to commence on 1st November next, up to public roup: with his Majesty's warrant for the same, and explanation of his reasons.

"Forsamekle as the tak of his Majesties customes of this his Hienes kingdome, sett of long tyme since to the present fermoraris of the same, is now shortlie upoun the first day of November nixttocome to expyre, sua that the saidis customes will than fall and become in his Majesties handis, to be disponit upoun and of new agane sett in tak be his Majestie as his Hienes sall think expedient, and quhairas a present tak of the Acta Mar. 1615–Aug. 1617. Fol. 54, a.

[1] In the interval between this entry and the last, the General Assembly of the Kirk, for the holding of which at Aberdeen on the 13th of August there had been proclamation by the previous Act of 18th July (*ante*, 580), had concluded its sittings. As there had been no General Assembly since that famous one at Glasgow in June 1610 by which the establishment of the King's Episcopal System, and the abolition of the last remnants of the Presbyterian System, had received ecclesiastical sanction (see *ante*, Vol. VIII. pp. xxvii–xxix), much interest attached to the proceedings of this new Assembly at Aberdeen, convoked as it had been expressly to make such advances towards a further perfection of the established Episcopal System as the progress of affairs during the intervening six years had made possible. Accounts of the proceedings will be found in Calderwood, vii. pp. 220–242, Spotswood, pp. 528–529, and *The Booke of the Universall Kirk of Scotland*, pp. 589–599 (edit. 1839). The following is a summary from these authorities:—

The King's Commissioner in the Assembly was the Earl of Montrose, with Secretary Binning and Lord Carnegie for his assessors; and the Moderator of the Assembly was Archbishop Spotswood,—who, says Calderwood, "stepped to the Moderator's place without election, against the practise and acts of our Kirk." Calderwood adds that "the catalogue of the Presbyteries was not called, nor commission considered," that the Bishops in the Assembly came without commissions, and that the moderators of presbyteries came by mere missive orders

Acta Mar. 1615–Aug. 1617.

saidis customes hath bene laitlie craved from his Majestie be the present takismen of his Majesties said customes, his Majestie hes refuisit to signe the same or to putt his Hienes hand to it, and that becaus, upoun consideratioun of the dewtie thairin contined, his Majestie is short of that expectatioun whiche his Hienes conceavit of a large increase of the yeirlie dewtie of the saidis customes; and thairfore his Majestie, with advise of the Lordis of Secret Counsall, hes fullie resolvit and concludit that his Majesties said customes salbe publictlie rowped

from the Bishops. "A number of lords and barons," he also says, "decored the Assemblie with silks and sateins, but without lawfull commission to vote." The very purpose in holding the Assembly so far north as Aberdeen, Calderwood insists, was that the Bishops "might gett numbers of northland ministers to vote with them in things that were to be propoundit," it having been found difficult in the case of former Assemblies held in the south to get these northland ministers, who were the most episcopally inclined of all, to attend in any sufficient number.

The Assembly sat from the 13th of August to the 18th. The chief purpose for which it had been ostensibly called having been to take measures against the increase of Popery, a large proportion of the time was occupied with this business. The resolutions in it were mostly of the ordinary tenor of all previous resolutions of the kind,—increase of stringency in carrying out the laws against Jesuits, Seminary Priests, apostates, and excommunicates; injunctions to all ministers to be vigilant against such in their parishes, make out lists of them, and send the same to the Bishops; prohibition of Popish books, pilgrimages to wells and chapels, the wearing of *Agnus Dei* beads, the use of crosses, crucifixes, images, &c. *Inter alia*, it was "statute anent the wyfes of noblemen and uthers who receipts traffiqueing[3] Papists, Jesuites, Seminarie Priests, if the same were done against the will or knowledge of their husbands, that all such women shall be callit and convenit for the said receipt and entertainment, and, they being convict therefore, they shall be wardit"; and it was recommended to Bishops within their dioceses, and to ministers within their congregations, "to travell with the noblemen, gentlemen, and burgesses that there be ordinarie exercise of reading and prayer within their houses, as also ane prayer for the King's Majestie and his children every meal." Such orthodox family-worship universally in households would, it was thought, be the surest preventive against the spread of Popery; and with similar intention there was a special ordinance requiring every minister to "give up the names of idle sangsters and minstrellers within the paroche, to the end they may be called and punished as idle vagabonds,"—peripatetics of that profession being generally, if not actual Papists, at least loose in the faith.—Amidst these measures against Roman Catholics and Roman Catholicism took place an incident of somewhat contrary appearance. The great Roman Catholic Marquis of Huntly having come to Aberdeen, and presented himself before the Assembly, armed with the absolution he had obtained in England from the Archbishop of Canterbury, and also with the King's letter of explanation and recommendation (see *ante*, p. 561, footnote), and these documents having been considered, and the Marquis having given satisfaction as to his present state of mind, and engaged for the future education of his children in the established Protestant faith, his absolution, as already granted in England, received Scottish confirmation with all due solemnity. —Of the novelties introduced or projected by this Assembly in the constitution and practice of the Scottish Church, the most important were the following:—I. A New Confession of Faith.—One of the resolutions of the Assembly was "that a true and simple Confession of Faith be sett doun, to the which all sall sweare before they be admitted to anie office in the Kirk or Commonweill, and all students in Colledges"; and actually a short Confession of Faith which had been penned by Mr. John Hall and Mr. John Adamson was presented to the Assembly as likely to answer the purpose, and was referred to a committee for revision. A copy of it is given by Calderwood; whose own remark upon it incidentally is that it was intended to supersede the older and better Scottish Confessions, and to be a more convenient formula for the Kirk in its de-Presbyterianized condition. II. A New Catechism.—A resolution of the Assembly was "that a short and compendious Catechisme be made, which everie kirk and familie sall have for the instruction of their

befoir ony new sett thairof be grantit, and all and quhatsomevir personis hard to offer and bid for the same, for geving satisfactioun to his Majestie anent his Hienes expectatioun of the increase of the dewtie and yeirlie rent of the said customes. For whilk purpois his Majestie, with advise of the saidis Lordis, hes appointit and ordanit, and be the tennour heirof appointis and ordanis, the saidis customes to be oppinlie and publictlie rowped to the uttermost availl thairof in his Majesties Exchecker hous within the burgh of Edinburgh upoun the threttie day

Acta Mar. 1615–Aug. 1617.

children and servants; whereof they sall give account before the communion, and everie one examined conforme thereto." A committee was appointed to draw up such a Catechism; and meanwhile it was regulated "that all children or schooles sall have and learne by hart the Catechisme intitled *God and the King*, which alreadie by Act of Counsell is ordained to be redd and taught in all schools" (see *ante*, p. 534). III. A New Liturgy.—It was resolved "that a leiturgie be made and forme of divyne service, which sall be redd in everie church in commone prayer and before preaching everie sabbath by the reider, where there is one, and, where there is none, by the minister before he conceave his owne prayer, that the commone people may learne it, and by custome serve God rightlie." IV. A Book of Ecclesiastical Canons.—It was resolved "that there be ane uniformitie of discipline, and to that effect the Canons of the former Counsells and Assemblies to be extracted, and, where the same are defective, to be supplied by former canons and ecclesiastical meetings." For the preparation of this Book of Canons, there was appointed a committee of fifteen, who were to meet the Bishops for consultation in the business at Edinburgh on the 5th of December. V. Regulations anent Baptism, Confirmation, and the Communion.—It was resolved "that everie minister sall minister the Sacrament of Baptisme whenever it sall be required, under paine of deposition, the godfathers promising to instruct the infant in the faith"; also "that a speciall Canon be made that all Archbishops and Bishops, in their visitation, either by themselves, or, if they may not overtake the samine, by ministers of the paroche, make all young children of six years old be presented to them to give confession of their faith, that it may appeir in what religion they are brought up; after the which, everie two or thrie yeirs, they sall be examined, that, when they come to fourteene yeers of age, after sufficient grouth of knowledge, they may be admitted to the Communion, and that punishment may be appointed to them that presents them not, or are negligent in their instruction"; also "that the Communion be celebrate foure tymes ilk yeere in the burrow touns and twise in landwart, and one of the tymes to be at Easter yeerlie, and, if anie communicate not once in the yeere, the Act of Parliament to stryke upon them with all severitie."

One might have thought that these proceedings of the Aberdeen Assembly of August 1616 were completely satisfactory to his Majesty; but the following extract from Spotswood will show that his Majesty had some exceptions to make, and that a Scottish General Assembly, even in 1616, with a full bench of Bishops in it, and with Archbishop Spotswood himself as its president, had not quite risen to the mark of his Majesty's own theology and theories of ecclesiastical government:—"These Acts," says Spotswood, in concluding his account of the Assembly, "were ordained to be presented "to his Majesty by the Archbishop of Glas- "gow and Bishop of Rosse, who were sent "from the Assembly to entreat his Majesties "confirmation of the things concluded. "By the answer returned with them, his "Majesties good liking of all that had pro- "ceeded in the Assembly was understood: "only against the confirming of young chil- "dren by Bishops he excepted, saying it "was a *meer hotch-potch*, and not so cleer as "was requisite, and therefore directed the "same to be reformed, and among the "Canons of the Church the Articles follow- "ing [concerning this and other matters] to "be inserted:—1. That, for the more "reverend receiving of the holy communion, "the same should be celebrated to the people "thereafter kneeling, and not sitting, as "had been the custome since the Reforma- "tion of Religion. 2. If any good Christian, "visited with sickness which was taken to "be deadly, should desire to receive the "communion at home in his house, the "same should not be denied to him; lawfull "warning being given to the minister the "night before, and three or four of good "religion and conversation being present to

Acta Mar. 1616–Jan. 1617.

of August instant in the foirnoone befoir his Majesties Deputie Thesaurair and suche utheris of his Majesties Counselloris who ar appointit for mannageinge of his Majesties rentis of his Hienes kingdome. And, it being his Majesties will and pleasour that all merchantis and suche uther personis who ar willing to enter in this bargane and undertak the sett foirsaid of his Majesties saidis customes be hard to offer and bid for the same according to the trew raite and value thairof,—thairfoir his Majestie, with advise of the saidis Lordis, ordanis letteris to be direct to officeris of armes chargeing thame to pas and mak publicatioun of the premisis at the mercat croceis of Edinburgh, Perth, Dundie, Aberdene, St. Andros, Glasgow, Striviling, Air, and utheris placeis neidfull, and thairby to warne all and quhatsomevir mercheantis and utheris personis who ar willing to enter in the bargane foirsaid and be undertakeris of the new sett abonewrittin to be maid of his Majesties saidis customes, that thay

" communicate with the sick person; who " must provide a convenient place and all " things necessary for the reverent adminis- " tration of the blessed sacrament. 3. That " the sacrament of Baptisme should not be " longer deferred than the next Sunday after " the child is born, unless some great and " reasonable cause declared and approved by " the minister doe require the same; and " that, in the case of necessity tried and " known to the minister, it should be lawfull " to administrate baptisme in private houses, " the same being alwaies ministered after the " form it would have been in the congrega- " tion, and publick declaration thereof made " the next Sunday in the church, to the end " the child might be known to have been " received into the flock of Christ's fold. " 4. Seeing the inestimable benefits received " from God by our Lord Jesus Christ his " birth, passion, resurrection, ascension, and " sending down of the Holy Ghost, have " been commendably remembered at certain " particular dayes and times by the whole " Church of the world, every minister should " from thenceforth keep a commemoration of " the said benefits upon these days, and " make choice of severall and pertinent texts " of Scripture, and frame their doctrines and " exhortations thereto, rebuking all super- " stitious observation and licentious profaning " of the said times. 5. The act of confirma- " tion of children his Majesty desired to be " reformed in this manner:—Seeing the con- " firmation of children is, for the good edu- " cation of youth, most necessary to be " reduced to the primitive integrity, it is " thought good that the minister in every " parish shall catechise all young children of " eight years of age, and see that they have " knowledge to be able to rehearse the Lord's " Prayer, the Belief, the Ten Command- " ments, with answers to the questions of " the Small Catechisme used in the Church, " and that the Bishops in their visitations " shall cause the children to be presented to " them, and bless them, with prayer for the " increase of grace and continuance of God " his heavenly gifts with them.—The dif- " ficulty of admitting these Articles being " represented in an humble letter to his " Majesty by the Archbishop of St. Andrews, " and a reason given why the same could not " be inserted with the Canons, as having at " no time been mentioned to the Church nor " proponed in any of their meetings, he was " pleased to forbear the pressing of the same " for the time, thinking at his coming into " Scotland, which he intended the next " summer, to satisfie such as were scrupulous, " and to obtain the Church's consent."

From the account in Spotswood it appears that, in addition to the changes in the system of the Kirk which had been voted by the General Assembly itself,—viz., *A New Confession of Faith, New Catechisms, A New Liturgy* or *Service Book*, and *A Code of Ecclesiastical Canons*, with *New Rules as to Baptism, Confirmation, and Communion*,—his Majesty desired, besides greater conformity with Anglican practice in the methods of Confirmation, &c., the introduction into Scotland of these particular ceremonial novelties:—*Kneeling at the Communion, Occasional Private Administration of the Sacraments*, and *The regular observation of Sacred Days in the Calendar*. In these respects King James intimated that he was in advance of the Scottish Clergy, and even of the Scottish Bishops; and it was only in deference to Archbishop Spotswood's advice that he forbore insisting on them for the present.

and everie ane of thame address thame selffis in dew and lauchfull tyme, the day foirsaid, to the said burgh of Edinburgh, weill resolvit to compeir in his Majesties said Excheker hous and thair to offer and bid for the saidis customes as thay sall think the same worth and according to the trew availl thairof, to the effect that thairupoun cours and ordour may be takin for granting of ane new sett of the same at the heichest raite and dewtie that salbe offerit thairfoir, with certificatioun and intimatioun as effeiris.—His Majesties missive letter for the warrant of the act abonewrittin :—Right trusty and right welbeloved cosen and counsellour, and right trusty and welbeloved counselloris, wee greete yow well.—Wee receaved your letter of the 26th of Julij, and by it and your note sent thairwith wee have understood the effect of your dealing with our customeris. But, whereas at the expiring of thair take wee ever expected ane large increase of the present dewtie of our customes, wee find ourselves so far shorte thairof by the conditions of the contract whiche yee now desire us to signe that, geving way to it, wee behoved to yeild to a diminutioun of the present dewtie, whiche wer a reddie way to undoe our rentis and that whole kingdome. Wherfore it is our speciall pleasour that yee caus roupe our saidis customes to thair uttermost availe, and that yee heare all pairties that will offer and bid for the same. And, wheras yee wryte to us of a decay of trade there, seing yee your selves and all the world can beare us witnes that wee have menteyned peace and justice in a gritter measure nor ony of our predicessoris ever did in that kingdome, the cause thairof cannot proceid from us, bot must be ascrived to the misgovernement of these trusted with the rule of the estaite and inferiour magistratis there, who by wise foirsight and care sould prevent and remeid the same. Alwayes, as wee have said, it is our pleasour that yee roupe our saidis customes : for whiche wee will acc[ept] no lesse augmentatioun nor ten or twelve thousand pundis [at the] least more nor the yeirlie dewtie now payed for the [same]; whiche (being by many and often offered unto us since [our] grant of the last tacke) is the least wee can expect; and [wee] doubt not yee shall find pairties anew reddie to yeild [this]. Assuring ourselves that yee will use your best endevour to procure us satisfactioun thairin, we bid yow fairwell. At Ruffurd Abbay, the xj of August 1616."

Acta Mar. 1615-Aug. 1617. Fol. 54, b.

Aberdeen, 20th August 1616.[1]

Sederunt—Montrois; Bishop of Sanctandrois; Bishop of Glasgow; Bishop of Ros; Bishop of Caithnes; Binning; Treasurer Depute; Advocate; Kilsyth.

Decreta Mar. 1616-Jan. 1617. Fol. 214, a.

Leslie of Wardes against Leith, younger of Harthill, for assault.

Complaint by Johnne Leslie of Wardes, as follows:—On a day in

[1] For the cause of this unusual incident of a meeting of the Council so far north, see last footnote. A sufficient number of the Lords of Council who had gone to attend the General Assembly, had remained in Aberdeen for a day or two extra for other business. The important Act as to a Roup of the Customs which immediately precedes the present Act, and is dated Edinburgh 19th August, must have been passed by some of the Council who had not gone to Aberdeen, or had returned sooner than the rest.

Decreta Mar. 1616–Jan. 1617.

August instant, pursuer was riding in a quiet manner from his own house of Tillifoure towards the place of Newtoun, and was looking for no injury, especially as his Majesty's Council and a number of the clergy were in these bounds,—when Johnne Leith, apparent of Harthill, disguised with a blue bonnet, and overcome with drink, rode up to him, gave him the lie, drew his sword, and attacked him—Pursuer and defender appearing, the Lords assoilzie defender, who denies on oath.

Counter complaint by Leith, younger of Harthill, against the Laird of Wardes and others.

Fol. 214, b. Complaint by Johnne Leith, apparent of Harthill, as follows:— Pursuer has already by divers petitions informed the Lords of the slaughter of his brother, Mr George Leith, by George Leslie of Auldcraig, before the eyes of his aged father, who very narrowly escaped with his own life. Because pursuer has followed out the ordinary course of law since the murder in 1608 (although with little success), the barons and gentlemen of the name of Leslie have conceived a deadly hatred against

Fol. 215, a. him. In July last, Johnne Leslie of Wairdes, who has many times sought the life of pursuer, rode through his corn at Torreis by way of provocation, that he might have some pretext to take his life. Pursuer has borne this and other disgraces patiently, and will ever prefer the course of law to private and violent revenge. On 13th August inst., since the Lords' arrival in Abirdene, and since the publication of the Proclamation anent the King's peace, the said Johnne, accompanied by Normond Leslie, his brother-german, and George Spence, his brother-uterine, went near to pursuer's father's house of Harthill, and in a scoffing manner called upon two or three of his father's servants to go to their master, and in his name to entreat him to prepare good cheer for the said George Leslie of Auldcraig who had murdered his son, "seeing he wes to soupe with him that nicht, and upoun the morne to dyne, and thairefter to rype his cofferis." About the same time he met pursuer, who was returning from the fields without companions or armour, except a sword. He addressed pursuer, and, spitting in his face, said "Swingeour! I have spittin a buble in thy face, and thow dar not querrell it." Thereupon he and his two brothers attacked pursuer with their swords. Pursuer's horse falling, they dismounted and held him down till he was almost breathless. The two brothers "gripping the said complenair fast be the handis," the said Johnne "threw his swerd out of his hand, saying he wald keepe it,—as he yit dois,—unles the said complenair wald write unto him ane challange quhair and quhen thay sould meete."—Pursuer appearing personally, and Johnne and Normond Leslie appearing, but George Spence not being

Fol. 215, b. present, the defenders present deny the charges, except the taking of the sword, which Johnne Leslie confessed was done because, the said Johnne Leith having attacked him with a drawn sword, and the sword having fallen from the said Johnne's hand, defender took it up, and brought it away with him. The Lords accordingly assoilzie the appearing defenders, but order the said Johnne Leslie to deliver up the said sword to Johnne Leith. They order George Spence to be denounced rebel for not appearing.

Aberdeen, 21st August 1616.

Leslie of Wardes against the Lord of Lindores for destroying a document.

[Sederunt ut in die predicto.]

Decreta Mar. 1616–Jan. 1617. Fol. 215, b.

Complaint by Johnne Leslie of Wardes, as follows:—Patrik, Lord Lindoris, had made to pursuer a tack of all his teinds of the lands within the Gariauch,—which teinds had been in possession of pursuer and his predecessors past memory,—and the letter of tack had been in pursuer's keeping for some time, when on 20th August instant the said Lord Lindoris desired to inspect the same. Pursuer, for the better satisfaction of defender, caused a copy of the letter to be made, and had handed over the copy; but defender craved to see the original, that he might compare it with the copy. As soon as defender received the original, he, with the aid of Anthone Maricuttie, cut it into five or six pieces and put them in his pouch, thereby thinking to "brangle pursuer's right.—Pursuer appearing, and defenders not appearing, the Lords order the said Lord of Lindoris and Anthone Maricuttie to be denounced rebels.

Edinburgh, 27th August 1616.

Proclamation for keeping of the peace in Edinburgh on the approaching day of law for the trial of parties concerned in the taking and execution of Francis Hay.

[Sederunt not recorded.]

Acta Mar. 1615–Aug. 1617.

"Forsamekle as, althocht by divers actis and proclam[ationis] maid and publeist heirtofoir the convocatioun of his M[ajesties] liegeis for backing of pairties to dayis of law be pro[hibite] and dischairgit under divers panes mentionat and [contenit in] the actis maid thairanent, notwithstanding [the Lordis] of Secreit Counsall ar informed thair is grite nomberis of people come to this burgh for assisting and backing the pairties haveing entres in persute and defence at the dyet appointit befoir his Majesties Justice in the Tolbuith of Edinburgh upoun the xxviij day of August instant for the taking and executioun of umquhile Frances Hay; and, thair being grite hartburning, and private grudges, malice, and miscontentment betuix the saidis pairties and thair followaris upoun occasioun of the slaughter of the said umquhill Frances, it is to be suspected that some inconvenientis sall fall oute betuix thame within this burgh, to the breck of his Majesties peace, withoute remeid be providit: Thairfore the saidis Lordis ordanis ane maiser to pas to the mercat croce of Edinburgh and utheris placeis neidfull, and thair be oppin proclamatioun to command and chairge all and sindrie his Majesties liegeis and subjectis who ar alreddy come or that salhappin to come to this burgh to attend and await upoun the said day of law, or for ony uther caus or occasioun quhatsumevir, that thay and everie ane of thame observe his Majesties peace, keepe goode reule, and quietnes ane with another, and that thay nor nane of thame presoome nor tak upoun hand to invade or persew ane another nor to mak provocatioun of offence or displeasour ane to another, by worde, deade, countenance, toukeing, nor by na uther maner of way, under quhatsumevir cullour or pretext, under the pane of deade,—certifeeing thame that failyees or that sall happin to do in the contrair that thay salbe takin, apprehendit, and the pane of deade salbe execute upoun thame withoute favour or mercye: and to Fol. 55, a.

Acta Mar. 1615–Aug. 1617.

command and chairge and inhibite all and sindrie his Majesties liegeis and subjectis that nane of thame presoome nor tak upoun hand to accompany ony of the saidis pairties to the bar the day foirsaid without ane warrant in wryte from the saidis Lordis to be grantit upoun the petitioun and desyre of the pairtyis persewar and defendair, under the pane of warding of thair personis and forder punishement at the discretioun of his Majesties Counsall." [1]

Sederunt—Chancellor; Bishop of St. Andros; Bishop of Glasgow; Hammiltoun; Mar; Wyntoun; Perth; Bishop of Caithnes; Roxburgh; Scone; Bugcleugh; Binning; Burley; Privy Seal; Treasurer Depute; Advocate; Medop; Sir Andro Hammiltoun; Sir James Skeene; Mr. Peter Rollock; Sir Peter Young. Edinburgh, 28th August 1616. [*ante meridiem?*]

Fol. 55, b.

Commission to Lord Lovat, the Laird of Urquhart, and the Tutor of Kintail, for the trial at Inverness of resetters of traitors in the North Isles.

"Forsamekle as, albeit the ressett, supplee, and intercommoning with the tratouris Soirle M^cDonill, Gilliechallum M^cRorie M^cCleude, and otheris traytouris of the Ylles, by whome the peace of the Ylles hes bene so oft disturbit and troublit, hes bene by divers proclamationis prohibite and dischairget under certane panes mentionate and contenit in the saidis actis, nochtwithstanding quhairof it is of treuthe that the saidis traytouris and lymmaris hes had a verie frequent and commoun resset, hanting, supplee, and intertenyment within the boundis of the North Ylles and continent nixt adjacent, and amangis the inhabitantis of the same, who, in hairt and affectioun being favouraris of the saidis traytouris and allowaris of thame in all thair treasonable and wicked deidis, hes not onlie gevin connivence and ovirsicht to thair repairing and hanting in thair boundis, bot hes furneist thame with poulder, bullet, armour, victuallis, and utheris necessaris, encourageing and fostering thame thairby in thair rebellioun and treasonable courses, and gevand evill example to do the lyke, in contempt of his Majestie his auctoritie and lawis; and whereas the ovirsight and impunitie of the ressettaris of rebellis and traytouris in the Yllis in tyme bigane hes bene ane of the cheif causis of the formair rebellionis and troublis raised within the same, and hes encourageit mony to offend; and the Lordis of Secreit Counsall being carefull now to provide for the punisheing of the saidis ressettaris, quhairby all future occasioun of ressetting of traytouris may be removed; and it being fasheous and troublesome to bring thame to thair tryall heir within the burgh of Edinburgh: Thairfoire the saidis Lordis hes thocht meete and expedient that thay salbe [tryit] within the burgh of Innernes. For whilk purpois the saidis Lordis ordanis ane commissioun to be past and

[1] The particular trial in Edinburgh which caused these precautions was that of Gordon of Gicht and his associate Gordons for the murder under colour of law of Frances Hay. For the facts and circumstances see *ante*, pp. 496–502, and footnote on p. 577. As there explained, the result of the trial, which came on in the Tolbooth of Edinburgh on the appointed 28th of August (*i.e.*, the day after this Act), was that one of the Gordons, viz. John Gordon, sheriff depute of Aberdeen, was outlawed for not appearing, and that there was but a formal beginning of the proceedings against the main culprit, Gordon of Gicht himself.

exped [under] his Majesties Signet to Symon, Lord Fraser of Lovat, Acta Mar. 1615–Aug. 1617. Ucquhart, schireff of Cromartie, and Rorye M°Kanyee, Tutour of Kintaill, makand and constitutand thame, or ony tua of thame, conjunctlie and severallie, his Majesties commissioneris and justiceis in that pairt within the boundis of the schirefdome of Innernes to the effect underwrittin,—[Gevand], grantand, and committand to thame or ony tua of [thame full] power and commissioun, expres bidding, and chairge, c[ourtis] of tryall and justiciarie within the burgh of Innernes on quhatsumevir dayis convenient to sett, begin, affix, [hald] and continew, suitis to mak be callit, absentis to [amer]chiat, unlawis, amerchiamentis, and esheitis of the said courtis to ask, lift, and rais, and for the same, gif [neid] beis, to poind and distrenyie, and to direct preceptis, and to caus, warne, and chairge all and sindrie personis inhabitantis within the schirefdome of Innernes who ar suspect guiltie of ressett, supplee, and intercommoning Fol. 56, a. with the saidis traytouris and rebellis (exceptand alwayes Donald Gorme of Slaitt, Sir Rory M°Cleud of Hereis, Donald M°Allane M°Eane of Yllantyrum, Capitane of the Clanrannald, Sir Lauchlane M°Kynnoun of Strathurdaill, and the personis who ar to be convenit befoir the saidis Lordis upoun the complaint of the men of Kinghorne,—the tryall of whilkis haill personis the saidis Lordis hes reserved to thame selffis) to compeir befoir thame in the saidis courtis at the dayes to be appointit to that effect, to underly tryall upoun the said ressett, supplee, and intercommouning, and to produce witnesis aganis thame, or utherwayes to putt thame to the knawledge of ane assise, or, gif thay sall trye guiltie be the depositionis of witnesis, that the saidis commissioneris and justiceis reporte the haill proces in write under thair hand closed to the saidis Lordis, to the effect thay may considder of the said proces, and accordinglie determine and decerne upoun the punishement; assyise and witnesis, als oft as neid beis, ilk persone under the pane of fourtie pundis, to summond, warne, cheis, and caus be sworne; clerkis, servandis, dempstaris, and all utheris officeris and memberis of court neidfull, to mak, creat, substitute, and ordane (for whome thay salbe haldin to answer); and generallie, &c., firme and stable, &c. This commissioun for the space of ane yeir after the daite heirof but revocatioun to indure."

Charge for the appearance of Sir Thomas Kirkpatrick of Closeburn, and his son, before the Lords, for settlement of the differences between them, and extrication of the estate of Closeburn from the debts with which it is burdened.

"Forsamekle as, Sir Thomas Kirkpatrik of Closburne, knicht, haveing out of his fatherlie love to Kirkpatrik, his eldest sone, infeft him in his haill estaite, with reservatioun of a verie meane portioun for his awin mantenance, and the said Sir Thomas haveing a speciall cair and regaird of the standing of his house in the persone of his said sone, whilk, by increasing of annuellis quhairof efter his deceis his said sone must neidis sustene the burdyne, will utherwayes be undoubtedlie overthrowne, thairfoir, efter his said sone had bene a langtyme prisonner in the Tolbuith of Edinburgh for his unnaturall and undewtifull behaviour towardis his father and mother, thay wer in end reconciled upoun fair showes and promisis maid be his sone of his constant resolutioun to concur with the father in the payment of his debtis, and for that effect

Acta Mar. 1615–Aug. 1617.

to mak seale of a pairt of his landis; and, the father exspecting the performance of the said promeis, his said sone doeth now refuise to performe the same, sua that be all appeirance the estaite of the leving of Closburne wilbe miserable shaikin and overthrowne without remeid be providit:—Thairfoir the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing the said Sir Thomas Kirkpatrik of Closburne, and Kirkpatrik, his eldest sone, to compeir personallie befoir the

Fol. 56, b.

saidis Lordis upoun the xiij day of September nixttocome, to underly suche ordour as salbe prescryvit to thame tuitcheing the releif and payment of the said Sir Thomas debtis,—whilkis in end will overthrow both the father and the sone yf ordour be not tane thairanent,—under the pane of rebellioun and putting of thame to the horne, with certificatioun, &c. And, to the effect all pretext of excuise may be removit and tane fra the saidis personis that thay may not come heir for feare of sindrie horningis whilkis thay underly, thairfoir the saidis Lordis declairis that the saidis personis, in thair comeing to this burgh for the caus foirsaid, and during the tyme of thair attendance upoun the saidis Lordis for that earand, and for the space of three dayis thairefter, sall on nawayes be takin, apprehendit, wardit, nor troublit for ony debtis or sowmes of money contracted and awand be thame."

Procedure against James Paton and others, tradesmen of St. Andrews, for refusing service in his Majesty's works in Edinburgh, and against the Provost of St. Andrews for declining to compel them to the said service.

"Forsamekle as, James Patoun, sclaitter in St. Androis, , his sone-in-law, , his servand, George Coline, sclaitter in St. Androis, , his servand, Thomas Greive, quheilwright thair, and , his servand, being desyrit be James Murray, Maister of his Majesties Workis, to haif undertane some service at his Majesties workis in Edinburgh and Haliruidhous, and promeis being maid to thame of goode, thankfull, and tymous payment of thair wadgeis, thay refuisit to imbrace ony kynd of conditioun of service at the saidis workis; and, complaynte being maid thairupoun to Johne Knox, provest of St. Androis, and he being desyrit that by vertew and auctoritie of his office he wald command the saidis personis to enter in his Majesties service [at] the workis foirsaidis, the said Provest disdanefullie answerit that it wes not the custome of the cuntrey to presse ony man to [serve]; quhairthrow his Majesties workis ar hinderit, and be thair misbehaviour otheris may tak occasioun to leave his Majesties service: Thairfore the Lordis of Secreit Counsall ordanis letteris to be direct chargeing the personis abonewrittin to compeir personallie, and the said Johne Knox, provest, to bring, present, and exhibite with him the otheris personis abonewrittin, before the saidis Lordis [upoun the] secund day of September nixttocome, to answer to [the premisis], and to underly suche ordour as salbe tane thairanent [under the pane] of rebellioun, &c., with certificatioun, &c."

[Sederunt not recorded.[1]]

Edinburgh, 28th August 1616. [*post meridiem?*]

"The whilk day in presence of the Lordis of Secreit Counsall

[1] As the Sederunt given in the *Decreta* of this date is different from that given above in the *Acta*, the former is doubtless the *post meridiem Sederunt*, here unrecorded.

Submission by the Earls of Linlithgow and Perth of all disputes between them to the arbitration of certain friends named.

compeirit personallie Alexander, Erll of Lynlithgow, for him selff and takand the burdyne on him for [the] Lord Levingstoun, his sone, on the one pairt, and Johne, [Erll of] Perth, on the other pairt, and submittit, lyke as by the tennour heirof both the saidis pairties submittis, all materis of questioun, contraversie, and debaite standing betuix thame anent the marcheis betuix his Majesties forrest of Glenarknay, quhairof the said Erll of Perth is heretable foster and keiper, and the landis of Callendar in Menteith perteyning to the said Erll of Lynlithgow and his said sone, and all greifis, displeasoris, eleistis, and unkyndnes whilkis hes intervenit and fallin oute betuix the saidis pairties upoun that occasioun, to the honorable personis underwrittin: thay ar to say, —Alexander, Lord Elphinstoun, Alexander, Lord Kildrymmie, his sone, James, Lord Madertie, Sir William Levingstoun of Kilsythe, and Sir Alexander Drummond of Medop, judgeis, freindis, and arbitouris nominat and chosen be the saidis pairties with one consent for taking of tryall and cognitioun in the materis contravertit betuix thame, alsweill be inspectioun of thair writtis as by the testimonie and declaratioun of honnest and famous witnesis to be examinate be thame thairupoun, and for removeing of the saidis questionis, contraversies, greifis, displeasoris, and unkyndnes betuix the saidis pairtyis, and the haill ground, caus, and occasioun of the same, and establisheing of a solide consent and hairty freindschipe to be inviolablie keipit betuix thame heirefter. And the saidis pairtyis obleist thame to caus thair freindis conveene and meete upoun the ground of the landis and marches contravertit upoun betuix thame upoun the secound day of October nixttocome for accepting this submissioun in and upoun thame; and thay sall haif thair clames, writtes, and probatioun in reddines to be gevin in that day. And, whatevir thair saidis freindis sall decerne, pronunce, and delyver thairin, bothe the saidis pairtis bindis and obleisis thame to stand and abyde thairat, underly and fulfill the same, but appellatioun, reclamatioun, or agane-calling whatsomevir. Lyke as the said Erll of Lynlithgow obleist him to caus the said Lord Levingstone, his sone, consent to his submissioun and to the decreit that sall follow thairupoun, and that he sall underly and fulfill the said decreit accordinglie. And the saidis Lordis, with consent of the saidis pairtyis, ordanis this submissioun to stand and indure unexpyrit until the first day of November nixttocome." Acta Mar. 1615–Aug. 1617. Fol. 57, a.

Commission of the Sheriffship of Caithness to James Sinclair of Murchill: with his Majesty's warrant for the same, and for the warding of the Earl of Caithness, and his wife and son, in some place in Fife for their obstinate recusancy.

"Forsameikle as the office of schirefship of the cuntrey of Caithnes now vaikis in our Soverane Lordis handis by the rebellioun and dissobedience of George, Erll of Caithnes, and Williame, Lord Berridaill, his sone, and the administratioun of justice to his Majesties subjectis within the saidis boundis hes this langtyme ceasit upoun the occasioun foirsaid and by ressoun of the imprisonment and wairding of the said Lord Berridaill, and the Kingis Majestie haveing a speciall cair and regaird of the peace and quietnes of the countrey of Caithnes, and that the inhabitantis thairof be retenit and haldin under obedyence, and understanding the goode affectioun and willing dispositioun of his lovitt James Sinclair of Murchill to

Acta Mar. 1615–Aug. 1617. Fol. 57, b.

do his Majestie service, and that he is of sufficient judgement, knawledge, and experience to administrat the said office of schirefship: Thairfore his Majestie, with advise of the Lordis of his Secreit Counsall, hes maid and constitute, and be the tennour heirof makis and constitutis, the said James Sinclair schireff principall of Caithnes, and gevis to him the office thairof, with all fees, dewties, honouris, dignities, previlegis, prerogatives, and preeminences pertening thairto, with power, &c. &c. [*as in previous commissions* of *sheriffship*].—His Majesties missive letter for the

Fol. 58, a.

warrant of the act abonewrittin.—Richt trustie and richt welbeloved cosen and Counsellour, and right trustie and welbeloved Counsellouris, wee greete yow well:—Whereas the Erll of Caithnes and his wyffe haif not onlie given no satisfactioun to the Church in materis of relligioun, bot lykewise haif interteyned in thair service professed papistis, to the perversioun of a nomber of our goode subjectis and encreas of poperie in all the boundis of Caithnes and other his landes, it is thairfoir our pleasour that yee confine the said Earle, his wyffe, his eldest sone, and Mr. George Sinclair, in some suche place of Fyffe as yee sall think convenient, and that thay exceid not the boundes to thame limited under suche penaltie as yee sall impose, till they and everie one of thame gif full satisfactioun to the Churche. And, leaste the cuntrie of Caithnes mighte fall in some disordour for lack of governament during the absence and restraint of the said Earle, it is our pleasour that yee give commissioun and authorise James Sinclair of Murchille to use and administer justice, and generallie in absence of the Earle to do and performe quhatsomevir the Earle himselffe micht haif done or lauchfullie performed for governement of the cuntrie when he wes presente. And, these premisis remitting to your accomplishment, wee bid yow fairweill. At Theobaldis, the 18th of Julij 1616."

Charge in the matter of the feud between the Lairds of Lundie and Largo.

The Lords, understanding that controversy has arisen between Lundye of that Ilk, Sir James Lundie, his uncle, and James Lundie at Balcormo Milne, on the one part, and Andro Wode, younger of Largo, and Henry M^cKiesoun in Largo, on the other part, order these parties to find caution to keep the peace in the following sums:—the Laird of Lundie, and Sir James Lundie, 3000 merks each; Andro Wode, 2000 merks; James Lundie and Henry M^cKiesoun, 1000 merks each.

Commission.

An exact copy of preceding commission at p. 605 against resetters of the Rebels of the Isles.

Fol. 59, a.

New Rebellion in the Lewis under Malcolm MacLeod, and renewed commission to the Tutor of Kintail and other Mackenzies for reducing the Lewis to obedience.

Preamble in these words:—"Forsamekle as, the Kingis Majestie haveing tane grite panes and travellis and bestowit grite chairges and expensis for reduceing of the ylandis of this kingdome and continent nixt adjacent to his Majesties obedience, and for establisheing of relligioun, peace, justice, ordour, and governament within the same, in the quhilk actioun his Majestie by the force and power of his royall auctoritie hes had suche a happie and good succes as almost the haill chiftanes of clanes and headismen of the Yllis ar come in and in all dewtifull submissioun doeth acknawledge his Majesties obedience, sua

that now thair is no pairt of the Yllis rebellious bot the Lewis,—the chiftanes quhairof, as frome tyme to tyme thay rais up in credite, power, and freindschip amangis the barbarous inhabitantis thairof, haif bene apprehendit and by course of justice hes sufferit thair deservit punishement; andat last the traytour Neill, who wes last ringleader of that rebellious societie, being apprehendit and execute to the deade, quhairby it wes presoomed that in him all farder trouble, miserie, and unquietnes in the Lewis sould haif ceasit and restit: notwithstanding it is of treuth that Malcolme M^c^Cloyd, sone to Rorie M^c^Cloid, some tyme of the Lewis, hes imbracet that rebellious and treasounable cours quhairin his treacherous predicessoris miserablie perisheit, and, haveing associat unto himselff the personis following,—Rorie and Donald M^c^Leudis, sones to the said umquhill Neill, and William and Rorie M^c^Cleudis, brether to the said Malcolme, Donald M^c^Indowie Breiff, Murdo M^c^Angus V^c^Intagert, Donald M^c^Angus V^c^Intagart, his bruther, Gillichallum Quoygach M^c^Intagert, Johnne Dow M^c^Angus M^c^Gillimiche, Murdo M^c^Torquill Blair, Normond M^c^Torquill Blair Johnne Roy M^c^Torquill Blair, Donald M^c^Neill M^c^Finla, Gillichallum M^c^Allan V^c^Finla, and Donald M^c^Couill V^c^Gillichallum,—who wer all actouris in the first rebellioun movit and raisit in the Lewis aganis the gentlemen venturaris who wer directit be his Majestie thair, and did prosequute that rebellioun aganis thame with fyre and sword and all kind of hostilitie, for the quhilkis and for otheris thevishe and treasounable crymes committit be thame thay and everie ane of thame wer upoun the secund day of Februar 1612 ordourlie denuncet rebellis and put to the horn,—thay haif now combyned and bandit thame selff[is] in a most treacherous, disloyall, and pernitious cours and resolutioun to menteyne a publict rebellioun in the Lewis, and to oppose thame selffis with thair haill power and strenth aganis all and quhatsomevir coursis salbe forder tane be his Majesties directioun for repressing of thair insolenceis; quhairby is not onlie all intercours and tread quhilk by his Majesties goode subjectis in the Lawland wald be interteynit amangis thame maid frustrat and voyd, bot the preparative of this rebellioun in consequence and example is most dangerous, and, gif the same be not substantiouslie repressit, may gif forder bauldnes to utheris who ar not yitt weill satled in a perfyte obedience to breck lous."—Accordingly, as it is "a discredite to the cuntrey that suche ane parcell of ground possest be a nomber of miserable catives salbe sufferit to continew rebellious quhenas the haill remanent Yllis ar become peaceable and obedient; and whereas the saidis Lordis, for repressing of the insolence of the haill rebellious thevis and lymmaris of the Lewis and reduceing thame to his Majesties obedience, past and exped ane commissioun to Rorie M^c^Kenzie of Cogach, Tutour of Kintaill, Mr. Coline M^c^Keinzie of Killin, Murdo M^c^Keinzie, thair bruther, Alexander M^c^Keinzie of Cowle, and Kenneth M^c^Keinzie of Davachmaluag, for reduceing of the lymmaris of the Lewis to obedience," —which commission "is now expirit, and the saidis thevis, takand new

Acta Mar. 1615–Aug. 1617.

Fol. 59, b.

Acta Mar. 1615–Aug. 1617.

courage and braith thairupoun, ar become more insolent nor formarlie thay wer, and hes laitlie made ane verie oppin resurrectioun and committit slauchter and bloodshed within the saidis boundis, in contempt of God and misregaird of his Majesties lawis": therefore his Majesty and the Lords of Council, understanding of the "goode affectioun" of the said persons, now reconstitute them commissioners for the reduction of the said rebels with full power and authority, &c. [*as in previous commissions*]; and, "for the better executioun of this commissioun, to tak the lumfaddis, gallayis, birlingis, and boitis in the Lewis and in the nixt adjacent yllis for the furtherance of his Majesties service,—the saidis justiceis being alwise ansuerable to the awnaris of the saidis lumfaddis, gallayis, birlingis, and boitis for redelyverie of the same at the finisheing of his Majesties said service." Proclamation is to be made at Innernes and other places charging the lieges within the bounds of the North Isles and within the lands of Coline, now Lord of Kintaill (except those of the name of Fraser, Ros, and Monro, and their tenants and servants), to assist the said commissioners in the execution of their duty. The commission is to endure for one year.

Fol. 60, a.

Fol. 60, b.

To denounce the Earl of Caithness and his wife, and Mr. George Sinclair.

The Lords having summoned George, Earl of Caithnes, Dame Gordoun, his spouse, and Mr. George Sinclair, to appear before them this day, to answer for having refused to satisfy the Kirk in matters of religion and having entertained professed papists in their houses (*ante*, p. 609), &c., and the said persons not appearing, the Lords order them to be denounced rebels.

Agreement with Captain David Murray, commander of a ship sent by the King for the service of the Council in pursuit of pirates, &c., as to the allowance to be made him for the maintenance of the said ship and its crew.

"Forsamekle as the Kingis Majestie hes directit and send [ane] of his awin schippis, weell providit with all wearelyke furnitour, [undir] the chairge of Capitane David Murray, to this cuntrie, to remane [and] ly heir to attend the directionis of his Majesties Counsall, alsweill [in the] persute of pyrottis, as for suche uther chairge and service as [fra tyme] to tyme salbe injoyned to the said capitane; and the Lordis of Secreit Counsall haveing conferrit with the said capitane anent [the] proportioun of allowance quhilk is to be gevin to him for keiping of the said shippe, and of the nomber of xx personis whome [he hes] undertane and promeist to interteny within the said shippe as [the] ordinair equipage and companie of the said schipe: the saidis Lordis hes aggreit with the said capitane upoun the sowme of ten thowsand merkis money in yeirlie allowance and fie to be payit to him for keiping of the said schip and interteyning of hir ordinar equippage and company foirsaid of tuentie personis. Quhilk sowme salbe payit to him monethlie be equall and proportionall payment; and the first monethis payment to begin upoun the first day of Julij last. And, when the occasioun sall fall oute that the said capitane salbe imployit be the saidis Lordis in any kynd of service quhairin he will necessarlie stand in neid of gritter companyis and nomberis of men nor the present equippage of the said schipe, the saidis Lordis declairis that at every suche tyme ordour salbe tane both for victualling of the schippe and for payment of the wageis

Fol. 61, a.

of sa mony mae souldioris as salbe lifted for that service, by and attour the ordinarie equippage and company of the said schipe." Acta Mar. 1615–Aug. 1617.

Confirmation of contract between the Treasurer Depute and David Anderson, plumber in Aberdeen, for covering and "theaking" of the new work and platform in Edinburgh Castle, and the turrets and pertinents thereof, with lead.

"The quhilk day, in presence of the Lordis of Secrite Counsall commissioneris nominat be his Majestie for manageing of his Majesties rentis, compeirit personallie Sir Gedeon Murray of Elibank, knicht, Deputie Thesaurer, on the one pairt, and David Andersone, plumber and burges of Aberdyne, on the uther pairt, and aggreit upoun the headis and conditionis following for covering and theaking of his Majesties new worke and platforme within the Castle of Edinburgh, quhilk is undertane be the said David: to wit,—The said Deputie Thesaurer sall delyver and caus be delyverit to the said David Andersone within the Castle of Edinburgh alsmekle rough lead be weght as will convenientlie serve for covering and theaking of the said new worke and platforme with the turrettis and pertinentis of the same, and that betuix the dait heirof and the day of , and sall provide ane convenient hous within the said castle quhair the said lead may be most commodiouslie wroght and cassin. Quhilk lead the said David bindis and obleisis him to ressave within the said castle, and, efter the ressett thairof, sall enter him selff and his servandis to worke, and sall melt, cast, and worke the said leade in webbis, and thairwith sall theake and cover the said haill plateforme, with the turrettis thairof, in the beste forme and maner he can, and according as he salbe advisit and directit be the maister of hi Majesties workis, and sall delyver and put the said leade, being meltit, cassin, and wrocht as said is, in perfyte worke according to that same weght quhairof he ressavis the same. Lyke as the said David sall furneis all maner of workmanship, with peitis, coillis, and tymmer for fyre, for melting, casting, layeing, joyning, sowdering, and upsetting of the said worke, and sall use all goodlie diligence and omit no lauchfull tyme nor occasioun quhill he bring the said worke till a full perfectioun. For workeing, casting, laying, and perfyting of the quhilk haill work the said Deputie Thesaurair obleisis him to pay and delyver to the said David Andersone the sowme of tuelff shillingis Scottis money for everie stane trois weght to be wroght and perfytit be him in maner foirsaid, and sall pay the same anes in ilk moneth according to the proportioun of the wrocht worke, and his accomptis to be gevin monethlie thairupoun. As alsua the said Deputie Thesaurair sall furneis the said David with all necessar cariage for bearing and caryeing of the said lead to the platforme quhair it is to be layed. And for performeing of thir conditionis abonewrittin both the saidis pairties bindis and obleisis thame mutuallie to utheris; lyke as the saidis Lordis gevis thair advise, consent, and allowance to this present appointment and aggrement. And, for the said Deputie Thesaurair his . . . . . quhairunto he is bund to the said David Andersone be vertew of this present act, the saidis Lordis ar content, and be thir presentis consentis, that the said Deputie Thesaurair sall reteine in his awne hand so muche of his Majesties deneiris and moneyis as will compleitlie pay

Acta Mar. 1615–Aug. 1617.

the said David Andersone:—for the retentioun quhairof thir presentis salbe unto the said Deputie Thesaurair ane sufficient warrand."

Decreta Mar. 1616–Jan. 1617.

Fol. 216, a.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Hammiltoun; Lynlithqw; Wyntoun; Perth; Bishop of Caithnes; Burlie; Binning; Lord Colvill; Master of Elphinstoun; Treasurer Depute; Justice Clerk; Advocate; Kilsyth; Medop; Sir James Skene; Mr. Petir Rollok. Edinburgh, 28th August 1616.

Caption against Alexander Home for non-removal.

Complaint by Mark Home in Chirnesyde that Alexander Home in Overboltoun remains unrelaxed from a horning of 26th January 1615 for not removing himself, family, and tenants, from his part of the lands of Overboltoun, and for not paying £10 of expenses and 40s. as collector's fee.—Pursuer appearing by Alexander Ker, his procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against James Tennent for debt, &c.

Fol. 216, b.

Complaint by David Grahame of Westhall, and Thomas Inglis of Eistscheill, that James Tennent of Lenhouse remains unrelaxed from a horning of 19th August instant for not relieving them at the hands of James, Lord Torphechin, anent the payment of 2500 merks, and for not relieving the said David Grahame at the hands of Symone Purdie, servitor to the late Andro Edmonstoun of that Ilk, anent the payment of 500 merks of principal and £20 of expenses; and that he remains unrelaxed from another horning of same date for not paying 1000 merks of principal and 100 merks of expenses.—Pursuers appearing by Mr. William Grahame, their procurator, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Fol. 217, a.

Caption against Robert Wallace and a number of others for not removing from the lands of James Maxwell, the King's Gentlemen Usher.

Complaint by James Maxwell, his Highness's gentleman-usher, that Robert Wallace in Aiktrie of Carrizeild, Robert Adie in Duncow, David Wallace in Carrizeild, Agnes Patirsoun in Mylneheid, Harbert Scot in Querrelwood, Thomas Lowrie there, Nicoll Wilsoun in Duncow, James Robsoun there, James Thomesoun in Querrelwood, James Robsoun in Duncow, Johnne Mitchell there, Robert Maxwell in Kirktoun, Alexander Wallace, called "Reid Sandie," Alexander Wallace in Kirkmaho, Robert Wallace, son of "Cressidis Johnne," James Wallace in Duncow, Johnne Wallace, called "Cressedis Johnne," Nicolas Quhape, widower, in Duncow, William Maxwell in Kirktoun, James Aickin in Duncow, Johnne Wilsoun of the Porte in the townhead of Duncow, Bessie Robsoun there, Luk Wilsoun there, William Glessill there, Nicoll Wilsoun there, James Wallace there,

Fol. 217, b.

Jonet Thomesoun there, Luis Robson there, Hector Thomesoun in Querrelwood, Helene Robsoun there, and Katherine Locharbie there, remain unrelaxed from a horning of 15th April last for not removing from pursuer's lands.—Pursuer appearing by William Maxwell, his procurator, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Caption against Sir Alexander Kirkpatrick of Kirkmichael and others for non-removal and debt.

Complaint by Adame Cuninghame, advocate, that Sir Alexander Kirkpatrik of Kirkmichaell, Edward Adamsoun, miller at the mill of Kirkmichaell, and Andro Kirkpatrik in Wood or in Glennae, remain unrelaxed from a horning of 20th August instant for not finding caution for pursuer's indemnity; also from a horning of same date for not removing themselves, families, tenants, &c., from pursuer's lands of Neis, Glennabank, Dalcrun, Craigscheill, Over and Nethir Glenkillis, Hoilhous, Mill of Kirkmichaell, and "office of bailliarie" of the barony of Kirkmichaell. —Pursuer appearing personally, and defenders not appearing, the Lords give order to the Captain of the Guard as above. Decreta Mar. 1616–Jan. 1617. Fol. 218, a.

Caption against the Lord Torthorwald for debt.

Complaint by Martha Mure, relict of David Logane, writer, assignee of Dame Elizabeth Gordoun, Lady Torthorwald, that James, Lord Torthorwald, remains unrelaxed from a horning of 6th February last for not paying the sum of 800 merks.—Pursuer appearing by James Douglas, her procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 218, b.

Caption against John Carmichael of Meadowflat and others for debt.

Complaint by Mr. Williame Kellie, writer to the Signet, that Johnne Carmichaell of Medowflat, and Sara Douglas, his spouse, as principals, and William Ramage in Blakhouse, Johne Tynto in Oversouthwood, and Alexander Baillie of Bagbie, as cautioners, remain unrelaxed from a horning of 17th July instant for not paying 2000 merks of principal and 200 merks of expenses.—Pursuer appearing by George Mack, his procurator, and defender not appearing, the Lords give order to the Captain of the Guard as above.

John Christie, "walker" at Bell's Mill, against the bonnetmakers of the Canongate for wrongful imprisonment on a charge of declining to work for them: decree in favour of defenders.

Complaint by Johnne Crystie, "walker" at Bellismylne, as follows:— Pursuer has been apprehended and imprisoned in the tolbooth of the Cannogait for disobeying a decree obtained against him by Johnne and Patrik Hereot, Thomas Wylie, and Alexander Chalmeris, on behalf of the bonnetmakers of the Cannogait (*ante*, p. 589). The Lords had decerned the pursuer's "author" and predecessor in the mill to serve the bonnetmakers of Edinburgh first, and after them the bonnetmakers of the Cannogait. Now, pursuer has ever been ready to receive the work of the bonnetmakers of the Cannogait; but they burden him with the carriage of the work to and from the mill, which he is nowise bound to perform for them, any more than for the rest of his Majesty's lieges. If it be alleged that pursuer transports the work of the bonnetmakers of Edinburgh, his answer is that he does so by a special contract. To prove pursuer's willing disposition to have obeyed the decree, he repaired to the bonnetmakers of the Cannogait and offered to accept their work when they brought it to him at the mill,—as is testified by an authentic instrument taken upon their refusal, in the hands of Robert Gairdner, notary public, dated 15th August instant. After being put to the horn, he went a second time and renewed his offer; but they refused, saying most disdainfully, that "thay wald gif na rebellis thair work, and that thay sould have the said complenair in thair willis,"—as is proved by an instru- Fol. 219, a.

Decreta Mar. 1616-Jan. 1617.

ment, dated 16th August instant, in the hands of Alexander Dick, notary public. For obedience, pursuer has found caution, in case the Lords shall find that he ought to perform the said duty.—Pursuer appearing personally, and the foresaid defenders being also present, and Thomas Patirsoun, deacon of the bonnetmakers of Edinburgh, who is also present, having declared that the said mill called Bellis Mylne was set in tack and assedation to the walkers and bonnetmakers of Edinburgh for a number of years, of which some have yet to run, and that, the same question having fallen out in January 1609, the Lords had ordered the bonnetmakers of Edinburgh to be served first during the run of the said tack, the Lords find the process against pursuer to be orderly executed, and direct it to be put to further execution in this maner,—that he be compelled to receive the work of the bonnetmakers of the Cannogait after the bonnetmakers of Edinburgh have been served, and walk and dress the same accordingly.

Fol. 220, b.

Katherine McCall against John Laing, messenger, and others, for assault.

Complaint by Katherine Makcall, and her spouse, Mr. William Murray, servitor to Mr. Alexander Peblis, advocate, for his interest, as follows :— Johnne Layng, Johnne Oliver, and Thomas Allane, messengers, or one or other of them, having been directed by Thomas Kae, indweller in Edinburgh, to charge the said Mr. William to pay to the said Thomas Kae 200 merks of principal and £20 of expenses, the said Mr. William gave the said messengers, in the absence of the said Thomas, the principal of 200 merks, and a band to the said Johnne Layng for £18 thereof as money borrowed on 25th July last, in case the said Thomas would take no less. As soon as 25th July expired, the said messenger, without the knowledge of Thomas Kae, registered the band, and raised letters of poinding. Defenders went down to Leyth on August instant, and, after they were overcome with excess of drink, went to pursuer's house, in the company of Thomas Fender, indweller in Edinburgh, and other accomplices. Having entered violently, they took the keys of the house, locked the door so that no one might have access from the outside, and assaulted the said Katherine, "dang hir busk af hir head, gaif hir and hir servandis mony bauch and bla strykis upoun divers pairtis of thair bodyis, and brak the said Katherines left airme in peeceis, quhairof scho yit lyis bedfast in grite dolour and pane." They also "took doun the veschell and haill ornamentis of the said house, and maist proudlie affermed and said, 'Latt us do quhat we will: thair is nane heir to sie nor beir witnes aganis us.'"—Pursuer appearing personally, and the three messengers being also present, the Lords assoilzie defenders, because the charge is not proven.

Fol. 221, a.

Caption against Sir John Bruce of Airth for non-fulfilment of contract.

Complaint by Andro Mylne, younger, eldest son of the late Andro Mylne, elder, surgeon, burgess of Lynlithgow, that Sir Johnne Bruce of Airth, knight, remains unrelaxed from a horning of 24th February last for not keeping a contract made between the said Laird, with consent of Dame Margaret Elphinstoun, his spouse, on the one part, and the late Andro Mylne, Jonet Jamesoun, his spouse, and the pursuer, on the other part, dated 12th May and 11th July 1609, and especially for not delivering to pursuer a sufficient renunciation and discharge of the

wadset therein mentioned, for not causing his said spouse appear before a judge ordinary and swear that she was not compelled by him to grant her consent to the alienation, and for not paying to him the sum of £3 for each acre of the lands therein specified.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta Mar. 1616–Jan. 1617.

Another caption against the Laird of Airth.

Complaint by Andro Mylne, one of the bailies of Linlithgow, assignee of Alexander, Earl of Linlithgow, for the letter of tack and assedation set by him to Sir Johnne Bruce of Airth of the third part of the parsonage of Falkirk, and of the yearly dues named in the said tack still owing, that the said Sir Johnne Bruce of Airth, knight, remains unrelaxed from a horning of 9th and 10th July last for not paying the said dues, amounting in all to £1080.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard as above. Fol. 221, b.

William Ferguson against James Douglas, portioner of Lugton, for violence and assault.

Complaint by William Fergussoun in Eister Maling, and James Purdie, his servant, as follows:—Pursuers having bought a quantity of broom from James Douglas, portioner of Lugtoun, and having paid for the same, and gone on 8th August instant to the lands of Lugtoun to transport the broom to Cuthbert Fergusoun in , who had bought it, the said James Douglas leapt upon horseback, and, with a drawn sword in his hand, rode towards pursuers and cruelly attacked them, wounded the said William in the hand, and drove away their horses from the said broom. Again, on 17th August instant, while the said James Purdie was going to Leyth with his master's horses, the said James Douglas rode up to him in Restalrig Lone, first chased him from the horses, and thereafter pursued him with a great rung in his hand through the corn fields of Restalrig. He overtook the said servant, and, despite the latter's craving God's mercy and God's peace and the King's upon his knees, compelled him to mount and go before him to Lugtoun, the space of four miles. He then caused him to be conveyed by his sons and servants to the tolbooth of Dalkeith, where he detained him for a night and half a day.—Pursuers and defender appearing personally, the Lords assoilzie *simpliciter* the said defender, because the charge is not proven. Fol. 222, a.

Jean Innes against Patrick Grant of Carron and others for assault on the highway.

Complaint by Jeane Innes, spouse of Thomas Grant of Cardaillis, and the said Thomas for his interest, as follows:—On 4th June last, Thomas Grant in Lyne, James Grant in Daltulzie, Robert Grant, brother of Patrik Grant of Carroun, Robert Futhie in Culquhey, Johnne Jemok in Lyne, Duncane M^c^James M^c^Patrik there, William M^c^Inesker (?) in Daltullie, and William M^c^Condochie in Tomdow, all armed with "swerdis, gantillatis, plaitslevis, bowis, darlochis, durkis," &c., came, by direction of the said Patrik Grant of Carroun, to the said Jeane on the highway, and, attacking her, wounded her on the face, arms, and other parts. They came from the said Patrik's dwelling house of Culquhoych, and they returned thither after the assault.—Pursuers appearing by Patrik Kynnaird of Middletoun, and defenders not appearing, the Lords order Fol. 222. b.

Decreta Mar. 1616–Jan. 1617.

the said Patrik Grant of Carroun, Robert Grant, Thomas Grant, Johnne Jemak, Duncane M^cJames M^cPatrik, James Grant, William M^cInesker (?), William M^cCondochie, and Robert Futhie, to be denounced rebels.

Fol. 223, a.

Matthew Pule and his son against James Brown for assault.

Complaint by Mathew Pule, merchant burgess of Edinburgh, and Johnne Pule, his son, as follows:—On a day in August instant, while pursuers were going from the burgh of Kirkcudbricht to the burgh of Drumfreis, and had dismounted on the lands of Delda to refresh themselves and their horse, James Broun, son of the late Johnne Broun of Molans, attacked them with a great "trie" before they were aware of his presence; hit the said Mathew on the small of the back, by which he is rendered unfit to travel; took his son's cloak, which he still keeps; and barbarously abused pursuer's horse with the said weapon. Not content therewith, he went home for a sword, and, with this drawn in his hand, and a "knapiscall" on his head, renewed the assault.—Pursuers appearing personally, and defender not appearing, the Lords find the charge proven, and order defender to enter his person in ward within the Tolbooth of Edinburgh, and to remain there at his own expense during their pleasure.

Fol. 223, b.

Nicolas Elmure, servitor in the royal wardrobe, against Thomas Glen, dagmaker in the Canongate, for assault.

Complaint by Nicolas Elmure, his Majesty's servitor in his Highness's wardrobe of the Kingdom of Scotland, as follows:—Some four years ago pursuer delivered a case of pistollets to Thomas Glen, dagmaker in the Cannogait, to be mended. Pursuer has on sundry occasions since then urged defender to return the said pistollets; and on 10th August instant, when pursuer modestly made inquiry about them, defender in a very insolent manner upbraided him with many reproachful speeches, called him "Inglish dog," and afterwards hit him on the face with his "fauldit neive."—Pursuer appearing personally, and defender being likewise present, the Lords find the charge proven, and order the said Thomas Glen to be detained in the Tolbooth of Edinburgh at his own expense during their Lordships' pleasure.

Fol. 224, a.

George Yettis against Mr. George Semple and others for assault.

Complaint by George Yettis in Litle Glen of Boghall that, on 1st August instant Mr. George Semple in Paislay, William Cuming there, Robert Fork, elder, there, Cuthbert Kirlie there, Johnne Park, younger, there, Robert Wallace there, James and Johnne Aikin there, Robert Mure there, Patrik Ralstoun, younger, there, Johnne Ker there, Michaell Baird there, Johnne Layng there, Johne Hair there, Johnne Leiche there, Johnne Hendirsoun there, Archibald Moresoun there, Johnne Corswall there, Johnne Breding, William Ewing there, Robert Maxwell there, and David Thomsoun, with others to the number of 24 persons, all armed with "swerdis, gantillatis, plaitslevis, jakis, steilbonnetis, lanceis, Jedburgh staulfis," &c., went by night to pursuer's house and steading of Litle Glen in Boghall, committed a most cruel assault upon him, and carried away ten kye with them.—Pursuer appearing personally, and the said Mr. George Semple, Johnne Layng, Michaell Baird, Johnne Hendirsoun, Cuthbert Kirlie, Johnne Ker, James Aickein, Johnne Park, younger, Johnne Aickene, Robert Wallace, William Ewing, Robert Fork, and Patrik Ralstoun, younger, also appearing personally, and the remaining

defenders not being present, the Lords assoilzie all the defenders from the charge, because it is not proven. Decreta Mar. 1616–Jan. 1617.

Mr. George Semple, minister of Killillane, against Fleming of Boghall and a number of others for assault, and for violent release of cattle poinded for vicarage teinds.

Complaint by Mr. George Semple, minister at Killillane, Robert Fork, messenger, and Johnne Hair, servitor to Johnne Alexander, "grinter" to the Earl of Abircorne, as follows:—The said Robert Fork was employed by the said Mr. George Semple to execute a precept of poinding granted by the Commissary of Glasgow against George Yettis in Litle Glen and certain other parishioners of Killillane for their shares of the vicarage teinds. On 1st August instant, the said messenger, accompanied by the other pursuers, went to the lands of Litle Glen, and arrested ten "ky and stirkis." While the messenger was driving the cattle to the head burgh of the shire, Alexander Flemyng of Barochan, Patrik Flemyng, his son and apparent thereof, James Flemyng of Boghall, Mathew Birsbane of Roisland, William Birsbane, his son, the said George Yettis, Patrik Yetis, his brother, Thomas Flemyng in [Mekle] Killilane, Andro Jamesoun in Haddokstone, William and Johne Jamesoun [in Guslet], his sons, Robert Flemyng there, James Flemyng in Corslie, Mathew Bowman in Stobbilie, Mathew Dik, Patrik Flemyng in Corslihillis, Alexander Patrik in [Nethir] Glen, William Howstoun [in Barrochan], George Houstoun, his son, Thomas Rid [in Tounfute], Patrik Rid [in Storiebankis], James Flemyng in Boghall [Heidgait], James Flemyng, his son [there], Alexander Laird there, Patrik Flemyng, younger, in Ryce (Rylie), Thomas Glassin and James Glassin [smith], Thomas Quhyte [younger] in Paislay, and Johnne Rid in Helliwoling, with others to the number of two hundred persons,[1] all armed, on horse and foot, came to pursuers, and not only took from them the said cattle, but cruelly assaulted the said Mr. George and Johnne Hair. They left the said minister for dead, saying "He is gone anes: stick him, gore him: cutt him af, and mak us quyte of him."—The said Mr. George Semple and Robert Fork appearing, and defenders being likewise present, the Lords find that Patrik Flemyng, apparent of Barrochan, William Birsbane, Thomas and Johnne Jamesoun, Mathew Dik, and Patrik Flemyng in Rylie, with a great number of people, assisted in the taking away of the cattle which had been lawfully poinded, and that the said Mr. George was thrown from his horse, "and gat a nomber of strykis braidlynes with swerdis at the awaytaking of the poind." The Lords therefore order them to be detained in the Tolbooth at their own expense during their Lordships' pleasure. Fol. 225, a.

Licence to James Pringle to go abroad.

Licence to James Pringle of Gallowscheillis to go abroad and remain for three years, without skaith to person or goods for so doing, provided he behave as a dutiful subject during his absence.—Given under the Signet, and signed by the Chancellor, Binning, Kilsyth, and Sir A. Drummond. Commissions Fol. 9, b.

Commission for trying cases

Commission under the Signet, signed by the Chancellor, Bining, Fol. 10, a.

[1] In a second list of defenders these names are given in addition:—Johnne Henry, miller; Patrick Mudie in Pilyairdis; Johnne Howston, son of William Howston in Barrochan; and Hew Bowman in Cannygait Cors. The words within square brackets in the above entry are supplied from this second list.

Commissions. Murray, Drummond, Sir Andro Hamyltoun, J. Skene, and A. Ker, to Alexander Innes of Cottis, and Johne Crawfurd, servitor to Thomas, Lord Bynning, Secretary, to try all persons found guilty of adultery in the sheriffdoms of Aberdene, Mernis, Banff, Innernes, Sutherland, Stranaver, Caithnes, Orknay, and "haill boundis thairof from the Water of Die north"; to compone with them either before or after trial for remissions under the Great Seal; and to proclaim those who do not appear to be fugitives, and proceed against them in ordinary form. of adultery, and compounding with offenders, north of the Dee.

Fol. 13, b. Commission of the Peace for the sheriffdoms of Elgin and Forres, and Narne, to the Chancellor, the Archbishop of St. Androis, Alexander, Bishop of Murray, the Lords of the Privy Council and the Senators of the College of Justice, James, Earl of Murray, Earl of Rothese, , Lord Kintale, Dunbar of Westfeild, sheriff of Murray, Johnne Grant of Freuchie, Johne Campbell of Cadell, sheriff of Narne, Innes of that Ilk, Innes of Innermerkie, Hucheoun Ross of Kilraak, James Cuming of Alter, David Brodie of that Ilk, David Hay of Perk, Mr. Alexander Hay of Kynnowdie, Patrik Grant of Ballindallache, Johnne Innes of Collistoun, Johne Innes of Lewchairis, Johne Dunbar of Moynes, Patrik Dumbar of Blarie, Mark Dumbar of Grangehill, Mr. James Dumbar of Mundoll, James Dumbar of Boigis, Robert Dumbar of Burgie, Douglas of Tirlismylne; the said David Brodie of that Ilk to be recorder. Commission of the Peace for the shires of Elgin and Forres, and Nairn.

Fol. 14, a. Commission of the Peace for the sheriffdom of Air, and the bailiaries of Kyle, Carrik, and Cunynghame, to the Chancellor, the Archbishop of Glasgow, the Lords of the Privy Council and the Senators of the College of Justice, James, Earl of Glencarne, , Earl of Eglintoun, James, Earl of Abircorne, Allane, Lord Cathcairt, James, Lord Stewart of Uchiltrie, , Lord Boyd, Hew, Lord Semple, Hew, Lord Lowdoun, William Cunynghame of Capringtoun, Sir Johne Wallace of Carnell, Campbell of Cesnok, Craufurd of Kers, Mure of Rowallane, Robert Montgomerie of Hessilheid, Blair of that Ilk, David Cunynghame of Robertland, Crawfurd of Kilbirny, Alexander Cunynghame of Corshill, Johne Cartcairt, younger, of Carletoun, Crawfurd of Camlarge, Fergus Kennedy of Knokda, Gilbert Fergusoun of Dalduff, Johne Wallace of Dundonald, Johne Fraser of , James Mowat of Busbie, Gilbert Ros, provost of Mayboill, Josias Stewart of , Thomas Neving of Montgrennane, and George Corrie of Kelwooid; the said Sir Johnne Wallace of Carnall to be keeper of the rolls. Commission of the Peace for Ayrshire and the bailiaries of Kyle, Carrick, and Cunninghame.

Sederunts. Fol. 140, b. [Sederunt as recorded in *Decreta*.] [1]

"That a proclamatioun be maid for rouping of the customes upoun Fryday, at ten of the cloke in the foirnoone, in the Laich Counsalhous of Edinburgh." Roup of the Customs.

[1] In the *Book of Sederunts* the entries are placed together without reference to *ante meridiem* or *post meridiem*.

Laird of Nether Pollock.

"That the Laird of Nether Pollok be maid con[vener] of the Justiceis of Peace within the schirefdome of Renfrew." [See Commission, p. 637.] Sederunts.

William Ker.

"A licence past to Williame Ker to go oute of the cuntrey."

"Anent the ryd hering."

"That the Magistratis of the burgh of Edinburgh and the partinaris anent the ryd hering be warnit to the nixt Counsaill day."

Gypsies.

"Ane missive to his Majestie anent the Egiptianis."

Repair of Roads.

"Chargeis aganis the commissionaris anent the mending of the hie wayes."

Edinburgh, 30th August 1616.

Sederunt—Chancellor; St. Androis; Binning; Advocate; Kilsyithe; Medop. Fol. 141, a.

Rouping of the Customs: Regulations of the Roup: Archibald Primrose and Roger Duncanson the rival bidders, and the Tack knocked down to Primrose and his colleagues, the present tacksmen, for an augmentation of thirty thousand merks upon the present price,—*i.e.*, for a total of £140,000.

"The quhilk day compeirit personalie James Arnott, Mr. Johnne Hamiltoun, William Murray, Archibald Prymrois, Mr. Johnne Drummond, Mr. Alexander Andro, James Inglis, Robert Hamiltoun, and Johnne M^cKiesoun, present fermoraris of the customes, and Williame Dik, one of the new undertakaris with thame, on the ane pairt, and Roger Duncanesoun, and James Steuart, younger, in Glasgow, on the other pairt, and declairit that thay compeirit to bid for the customes.

The Lordis ordanit that the customes salbe roupit upoun the conditionis of the last contractis maid with the present fermoraris.

That the present fermoraris sall haif the prerogative in the rouping.

That nane sall be hard upoun ane other manis offer, nor sall not in augmentatioun offer less nor ij^m merkis.

The undirtakaris sall name thair cautionaris and haif thame reddy to consent.

Thay salbe subject in payment to Sir George Bruce of j^m merkis, and to Barnard Lindsay of v^c merkis, by [besides] the Kingis dewytie.

Thair salbe a mutuall conditioun betuix the King and the undertakaris of upgeving of thair tak fourty dayis afoir Mertymes.

The Lordis, with consent of the fermoraris present, on the ane pairt, and of Roger Duncanesoun, on the other pairt, ordanes that, whatsoevir of thame sall mak ane offer for the customes and thairefter sall pas frome thair offer, the pairty passing fra thair offer sall incur fyve thousand merkis.

"The fermoraris offerrit the present dewitie of thair tak:—

Roger Duncanesoun in augmentation,	x^m merkis.
Archibald Prymrois for the fermoraris,	xij^m merkis.
Roger Duncanesoun,	xviij^m merkis.
Archibald Prymrois,	xx^m merkis.
Roger Duncanesoun,	xxiiij^m merkis.
Archibald Prymrois,	xxvj^m merkis.
Roger Duncanesoun,	28^m merkis.
Archibald Prymrois,	xxx^m merkis.

Roger Duncanesoun refuisit ony forder offer; and [the utheris] stoode be thair offer; and the said fermoraris oblist thame to perfyt thair tak and to pay the dewytie." Fol. 141, b.

Sederunts.

[Along the margin of fol. 141, a, is written:—
"The customes fermed be the last contract to . . vjxx^{m} li
And ar now roupit and fermed to . . . vijxx^{m} li"]

Acta Mar. 1615 –Aug. 1617.

[Sederunt not recorded.]

Edinburgh, 1st September 1616.

Fol. 61, b.

Charge to the Lairds of Airth and Letham to keep the peace.

The Lords, understanding that there is matter of controversy between Sir Johne Bruce of Airth, knight, and George Bruce, his friend and servant, on the one part, and Johne Baillie of Lethame, on the other part, order both parties to appear before them on 18th inst., and in the meantime to keep the peace,—the said Sir Johne Bruce under the pain of £1000, and the said John Baillie and George Bruce under the pain of 1000 merks each.

[Sederunt not recorded.]

Edinburgh, 2nd September 1616.

To denounce James Paton and other tradesmen of St. Andrews, and the provost of the burgh.

Anent the charge given for the appearance this day of James Patoun, slater in St. Androis, and others (*ante*, p. 607), James Patoun, Johne Hutchesoun, George Colline, William Hutchesoun, and Thomas Greiff, [the two Hutchesouns now first mentioned] not appearing of their own accord, nor being presented by the magistrates of St. Androis, the Lords order the said James Patoun, Johne Hutchesoun, George Colline, Williame Hutchesoun, Thomas Greiff, and also Johne Knox, provost of St. Androis, to be denounced rebels.

Commissions. Fol. 8, b.

7th September 1616.

Commission for the apprehension of Robert Saich in Friartoun for assault on Mr. Simon Durie, minister at Forgound.

Narrative as follows:—"Johnne Saiche, son of Robert Saich in Friartoun, having thir divers yeiris bigane behavit him selff verie sclanderouslie and offensivelie to the Kirk be abuseing of his body

Fol. 9, a.

[these] severall tymes in the filthie vice of fornicatioun, and being convenit thairupoun before the sessioun of the kirk of Forgound, and ordanit be thame to mak his repentance in seckclothe, and the said ordinance being intimat to him be his awne pasture and minister Mr. Symone Durie, minister at Forgound, he at the tyme of the said intimatioun not onlie with disdanefull and proud speitcheis refuisit to obey the said ordinance, bot verie contumeliouslie he raillit upoun his pasture and minister foirsaid, avowing with mony horrible aithes to be evin with him and to haif his lyff, becaus, as he alledgeit, he wes the authour of the ordinance foirsaid maid aganis him. And, making chois of the Sabbothe day to execute that his cruell and beistlie resolutioun, quhenas the said Mr. Symone wes to come fra the kirk to his awne house, the said Johnne for this effect, upoun the day of August last, being Sonday, lay at await the maist pairt of the day in a derne and quiet place, betuix the kirk of Forgound and the said Mr. Symeonis house, at ane strype in the landis of Caldame, awaiting the said Mr. Symones bycomeing, being fullie resolvit, upoun set purpois, foirthocht felloun, and deidlie malice, to haif slane and murdreist the said Mr. Symone

in his byganging. Quhairof informatioun being maid unto the said Mr. Symone, he for his awne saulftie past to Sir George Ramsay of Dalhoussie, and desyrit him to come furth of his place of Kirktoun, quhair he wes for the tyme, to the effect he micht haif sum speitche and conferrence with him be the way. And, the said Sir George comeing furth to the said Mr. Symone without ony kynd of wappone or airmour, and as thay wer going fordwart some certane space fra the said Sir George [his] said house, thay fell upoun the said Johne Saiche, who wes lyand upoun his face dernit betuix tua dykis be the way, who, sa soone as he saw the said Sir George with the minister, and persaveing that the said Sir George had nather swerd, quhinyeair, nor airmoure, he, takand the advantage of that occasioun, feirslie set upoun the minister, and first with his fauldit neve schamefullie and unhonnestlie strak and dang him on the face, and thairefter he drew a durke of purpois to haif slane the minister thairwith, quhilk he had not faillit to haif done wer not he wes stayit be the said Sir George. And continewalie sensyn he walkis up and doun the said parrochin and utheris parrochynis thairabout, airmed with pistolletis and utheris airmour, awaiting the opportunitie and meanis to haif the said Mr. Symonis lyff." Commission is therefore given to the said Sir George to apprehend the said Johnne, and exhibit him before the Council. Given under the Signet, and signed by Bining. Commissions.

[Sederunt not recorded.]

Edinburgh, 9th September 1616.

Charge to Sir Robert Gordon of Lochinvar and Kennedy of Bargany in the matter of their dispute as to rights of admiralty in Lochrian and other waters in Galloway.

"Forsamekle as it is understand to the Lordis of Secreit Counsall that, Sir Robert Gordoun of Lochinvar, knyght, on the ane pairt, and Kennedie of Barganie, on the uther pairt, pretending richt and title ather of thame to the admiralitie of Loghriane, and of utheris wateris, loghis, and seas within the boundis of Galloway, ather of thame hes proclamed and appointit admirall courtis to be haldin be thame and thair deputis in the moneth of October now approtcheing, and thay haif thair kin, freindis, and suche as will do for thame, under wairning and in reddines to accompany and assist thame to hold the saidis courtis and to withstand and resist ather of thame the uther from holding of the saidis courtis, quhairupoun grite inconvenientis will not faill to fall oute amangis thame, to the brek of the peace and disquieting of the cuntrie, withoute remeid be providit: Thairfore the saidis Lordis ordanis letteris to be direct chairgeing the said Kennedie of Bargany, and his tutoris and curatoris yf he ony hes, personallie or at thair dwelling places, and the said Sir Robert Gordoun of Lochinvar be oppin proclamatioun at the mercat croce of Edinburgh, shoir and peir of Leyth, upoun thrie scoir dayis wairning, becaus he is presentlie furth of this realme, to compeir personallie befoir the Lordis of Secreit Counsall upoun the day of , to answer to the premisis and to underly suche ordour as salbe tane with thame for the peace and quiet of the cuntrey under the pane of rebellioun, &c., with certificatioun, &c.,—and Acta Mar. 1615–Aug. 1617. Fol. 62, a.

Acta Mar. 1615–Aug. 1617.

in the meanetyme chargeing, inhibiting, and dischairgeing both the saidis pairties, thair deputis, and memberis of court, that nane of thame presoome nor tak upoun hand to hald ony admirall courtis, nor to use nor exerce the office of admiralitie within the saidis boundis, under quhatsomevir cullour or pretext, quhill the saidis Lordis tak ordour in this mater as apperteynis; dischairgeing thame thairof and of thair offices in that pairt, and forder under the pane of rebellioun and puteing of thame to the horne; certifeeing thame that failyees or sall do in the contrair that not onlie sall thay be denuncit rebellis and put to the horne, and thair haill moveable goodis esheite and imbrocht to his Majesties use for thair contemptioun, bot with that thay salbe punist in thair personis, as contemnaris of the commandiment and directioun of the saidis Lordis, with all rigour."

Fol. 62, b.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Hammiltoun; Mar; Wyntoun; Perth; Bishop of Caithnes; Roxburgh; Scone; Bugcleugh; Binning; Burley; Privy Seal; Treasurer Depute; Advocate; Medop; Sir Andro Hammiltoun; Sir James Skeene; Mr. Peter Rollock; Sir Peter Young.

Edinburgh, '18th July 1616' [for 18th *September* 1616].

Warrant to the Treasurer Depute, now about to be absent for some time at Court, to advance 20,000 merks for the furtherance of works on hand in preparation for his Majesty's expected visit next spring.

"Forsamekle as it is verie expedient and necessair that his Majesties workis at the Castle of Edinburgh and Strivling and at Halirudhous and Falkland salbe sett fordwart and advancit with all convenient and possible diligence for his Majesties more contented and commodious receptioun and ludgeing at his comeing heir, God willing, in the nixt approtcheing spring of the 1617 yeir of God, and quhairas Sir Gedeone Murray of Elibank, knicht, Deputie Thesaurair, is now shortlie to go to Courte be his Majesties expres command and directioun for some speciall occasionis of his Majesties affairis and service, and the Lordis of Secrite Counsall commissionaris of his Majesties rentis understanding perfytlie that this vacant tyme hes not affordit nor yitt will afford so mutche money as will hald the saidis workis gangand fordwart and dischairge the utheris necessair burdynes and affairis of the estaite quhilkis cannot be neglectit nor overseene, and the saidis Lordis being loathe that upoun that occasioun the progres of the saidis workis salbe hinderit, —Thairfoir the saidis Lordis ordanis the said Deputie Thesaurair to furneis, provide, and advance the sowme of tuentie thowsand merkis money oute of the reddiest of his Majesties moneyis quhatsumevir being in [his] handis, to be bestowit and imployit for payment of suche sowmes as hes bene alreddie debursit and gevin oute upoun the saidis workis during this vacand tyme, and for interteyning and halding fordwart of the said workis untill the returne and homecomeing of the said Depute Thesaurair; for the furnissing and advanceing of the quhilk soume of xx^{m} merks in maner foirsaid the extract of this present act salbe unto the said Deputie Thesaurair ane sufficient warrand."

Charge to William Crichton, natural son of the late Lord Sanquhar, and to his curators, to submit the matters in dispute between him and the present Lord Sanquhar.

" Forsamekle as, Williame Creichtoun, sone naturall to the laite [Lord] Sanquhair, being requirit at his last appeirance befoir his Majesties Coun[sall] to consent to a submissioun of all thingis questionable betuix the said Lord Sanquhair and him, conforme to his Majesties directioun and [decreit] to that effect, he excuisit him selff as not being able to consent [to] the said submissioun, upoun alledgeance of his minoritie and that [nane] of his curatoris bot the Lord of Roxburgh wer then present, sua that the [mater] hes restit and lyne over sensyne; and seing now the Lord of R[oxburgh], who is one of his curatoris, and at that tyme wes absent furthe [of] this cuntrey, is now come home; and his Majestie being verie desyrous that no langer tyme sould be pretermittit, bot that the [sub]missioun foirsaid sould go one so soone as convenientlie maybe: Thairfoir the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing the said Williame Creichtoun, and Walter Scot of Bugcleugh and Williame Douglas of Drumlanrig, [two] of his curatoris, on the other pairt, to compeir personallie befoir the Lordis of Secreit Counsall upoun the nynt day of October nixttocome, providit and resolved to submitt the materis questionable betuix the said Williame and the now Lord Sanquhair, conforme to the ordinance of his Majesties decreit pronunceit betuix thame, under the pane of rebellioun, &c., with certificatioun, &c. The said Lord of Roxburgh and Lord Sanquhair, being personallie present, ar wairnit heirto *apud acta;* and thay promeist to keepe the said day.—The warrand of the act abonewrittin be his Majesties missive letter:—Richt trustie and right welbeloved cosen and counsellour, and right trustie and welbeloved counsellouris, wee greete yow weill.—Whereas, Williame Creichtoun, sone naturall to the laite Lord Sanquhair, at his last appeirance before yow being (according to our directioun) required to consent to a submissioun of all thingis questionable betwene the now Lord Sanquhair and him, in regaird that none of his curatoris bot the Lord Bugcleugh wes then present and for that (as he pretendit) he wes then minor, he excused him selff from consenting therto; quhairupoun he and his curatoris, being by yow required, did promeis with diligence to reporte a certificat from his birth-place in France, for proving of his aige: whiche not doubting bot thay haif accordinglie performed before this, and wee earnestlie desyring that na tyme sould be pretermitted, bot that the said submissioun sould go on so soone as possiblie can be, and in regaird that the Lord Roxburgh and his remanent curatoris ar now all in that cuntrey, wee have thocht good of new to require yow to call bothe the saidis pairties before yow, and, gif by the said Williame and his curatoris yee sall understand him now to be major, it is our pleasour that yee urge the saidis pairties to a submissioun, according to the ordinance of our decreite pronunced betwene thame. Whiche not doubting but yee will accordinglie performe, as yee wold do us acceptable service, wee bid yow fairwell. At Wodestock, the 23rd of August 1616." Acta Mar. 1615–Aug. 1617. Fol. 63, a.

Warrant to John Auch-

" Forsamekle as it is thocht meete and expedient be the Lordis of Secreit

Acta Mar. 1615–Aug. 1617.

Counsall that the Kingis Majesties foure beddis underwrittin,—thay ar to say, ane bed of the labouris of Hercules, contening the rooffe, the heade peace, sax pandis, with three foote pandis; for ane bed of crimesine velvett and gold, sevin pandis; ane bed of embroderit worke of gold, silver, and silk, contening the rooffe, with three pandis hingand as it wer, with three other pandis loose for the rooffe, the heade peece, and three fute pandis; ane bed uncompleete, sewit be his Majesties mother, of gold, silver, and silk,—salbe send to England, thair to be mendit and providit with furnitour answerable and sutable to the beddis, and that thairefter thay may be returnit and send home with diligence: Thairfoir the saidis Lordis ordanis and commandis Johne Auchmowtie, maister of his Majesties wardrop, to delyver the saidis foure beddis to Mr. Nicollis, to the effect he may carrye thame to England for the caus foirsaid, and bring the same bak agane accordinglie; for delyverie of the quhilkis beddis the extract of this act, with the said Mr. Nicollis acquittance upoun the ressett of the saidis beddis, salbe unto the said Johne Auchmowtie a warrand." mowtie, master of the wardrobe, for the delivery to Mr. Nicolls of four of the King's beds, to be sent to England for repair and refurnishing.

The Lords, understanding that there is cause of quarrel between Sir Robert Arburthnott of that Ilk and Strauchane of Thornetoun anent the teinds of some lands, and that the King's peace will be broken, order these parties to find caution in 10,000 merks each to keep the peace. Charge to the Lairds of Arbuthnot and Thornton to keep the peace.

Fol. 63, b.

The Lords, "upoun the grevous complaintis maid be dyvers of our Soverane Lordis liegeis of the grite abuse usit be a nomber of merchantis and utheris packeris of heringis within the cuntrie, speciallie in the north syde of Forthe," had "directit summondis, at the instance of Sir Williame Oliphant of Newtoun, knicht, Advocat to our Soverane Lord, for citatioun of all these personis byaris, packeris, and transportaris of the saidis heringis oute of the cuntrie befoir the cuntrie people to burgh and land be served thairwith for the interteynment of thair housis and wining of thair cornis, expres contrair his Majesties lawis and actis of Parliament, to compeir befoir the saidis Lordis to heir and sie thame as foirstalleris and regrateris to be punis[chit] in thair personis and guidis as violaters and breckars of the saidis actis, as [the] saidis summondis at lenth beiris." Finding, however, "the nomber giltie of the breck of the saidis actis to be [sa] monie, especiallie on the north syde of Forthe, that thay cannot be abill to travaill to Edinburgh for thair tryall and examinatioun without grite chairges and expensis, as alsua that thair tryall and examinatioun wald be langsome and tedious to the saidis Lordis, being utherwayes carefullie exer[cet in] his Hienes adois," the said Lords "hes thairfoir gevin, grantit, and committit, and be the tennour heirof gevis, grantis, and committis, full power and commissioun to Sir Johne Lermonth of Balcomy, knicht, Thomas Myrtone of Cambo, William Sandilandis of St. Monance, William Barclay of Innergellie, and Kay (?), advocate, or onie thrie of thame, with concurs of the provest and baillies of ilk burgh quhair thay sall sit, not being suspect Commission for trying the forestallers of the markets of herring in the parts north of the Forth.

to be guiltie [of the] saidis factis, as judgeis be commissioun in that pairt, to call, cite, [and con]vene befoir thame the haill personis summoned be vertew of the saidis s[ummondis] to compeir before thame at sic dayis and places as thay sall appoint, [pre]ceiding the first day of Julij nixttocum," with power to examine, &c., &c. Report is to be made to the Council on a day preceding the said 1st of July, that the Lords may consider the same and administer justice therein. "And thairwith also the saidis judgeis to report to the saidis Lordis thair advise and opinioun for the better ordour in tyme cuming in repairing, mending, and redressing of suche grite abuse and enormitie committit be suche particular personis for thair private gayne and commoditie in tyme bigane, that the saidis Lordis, efter dew consideratioun thairof, may appoint and sett doun suche actis and lawis as may in all tyme heirefter be observed inviolablie for the weill of all his Hienes liegeis." Acta Mar. 1615-Aug. 1617. Fol. 64 a

His Majesty's warrant to the Council to grant licences for carrying firearms to certain of the Island chiefs under certain conditions.

"The quhilk day the lettir underwrittin signed be the Kingis Majestie being this day presentit to the Lordis of Secreit Counsall and red in thair audience, the saidis Lordis allowis of his Majesties will, pleasour, and directioun expressit in the said lettir, and ordanis licences to be past and exped to the personis contenit thairintill accordinglie; off the whilk lettir the tennour followis:—Richt trustie and right welbeloved cosen and counsellour, and right trustie and welbeloved counsallouris, wee greete yow well.—Wee have understoode of your good and wise proceiding with the principall Illanderis, and do well allow of these conditionis to whiche yee caused thame enact and bind thame selffis at thair last compeirance befoir yow. And, as wee do therefore hairtlie thank yow, so, for thair better incuradgement dewlie to observe and performe the same, wee ar well pleased that (according to thair humble suite) thair be severall licences of bearing and shooting with hacquebuttis exped and granted to the Laird of M°Clayne, Sir Rorie M°Loyde, the Capitane of the Clanronald, Mackinnon, Lochbuy, Cole, and to the said M°Claynes brother and Sir Rorie M°Cloydes, provyding that thay use the same for thair awne recreatioun and within a mile of thair awne housis onlie, not suffering ony utheris to carrie such weaponis unpunished, and that thair licences be nowayes allowable unles thay observe all the remanent conditionis of thair bandis for the peace and civilitie of thair cuntries. Whereanent as these salbe unto yow a warrant sufficient, so wee bid yow farewell. At Wodestock, the 27th of August 1616."

His Majesty's warrant to the Council for the conversion of the former grant of the right of working the mines of Crawfordmuir to Stephen Atkinson, Englishman,

"The quhilk day the letter underwrittin, signed be the Kingis Majestie, being this day presentit to the Lordis of Secreit Counsall and red in thair audience, they being well advisit thairwith, the Lordis of Secreit Counsall allowis of the Kingis Majesties will, pleasour, and directioun specifiet and contenit in the said letter, and ordanis the same to be accordinglie obeyit.—Off the quhilk letter the tennour follows:—Richt trustie and right welbeloved cosen and counsellour, and richt trustie and welbeloved counsellouris, wee greete yow well. By petitioun

Acta Mar. 1615–Aug. 1617.

latelie preferred unto us on behalf of William Atkinsoun and Stephen Atkinsoun, two natives of this our kingdome, wee have understood that, upoun our former directioun sent to our Chancellair and Secretarie, a warrant is exped to the said Stephen, and that (according to the libertie and power therby granted to him) he hath also begun to woorke at our mynes in Crawford Moore, with hope and probabilitie of good successe [*ante*, p. 531]. But, becaus the present warrant is only for life of the said Stephen, and that he and the said Williame do intend at thair owne chairges to proceid further, so as thay may have to thame selffis . . and thair assignayis a lease for the space of twentie and one yeiris of the saidis mynes, thay have thairfore made humble sute unto us for our [graunte] of the same, with offer, when thay sall find the mine in gritter aboundance of [silver], to leave it and to remitt to our said consideratioun what rewaird wee salbe pleased to bestow upoun thame; whiche, as a just and reasonable sute, wee ar well willing to yeild unto. Wherefore it is our speciall pleasour that, the said Stephen surrandering his present graunte, yee accept thairof, and that in lieu of it yee exped to the afoirnamed Atkinsonis and thair assignayis a lease for the said space of tuentie and one yeiris of the saidis mines, and upoun the lyke conditionis to be by thame performed as ar in the said Stephens graunte mentioned and exprest, with this proviso, that, when thay sall appeare to become of anie remarkable wourth, wee may tak thame agane into our handis for suche reasounable recompence as wee sall think convenient. And, quhairas thair is at the said mynes a quantitie of refuise, whiche, being left there by late Bulmer, the saidis Atkinsonis desire warrant from us to woorke and fine, and, haveing at thair awne chairges wroght and fyned it, they ar content to yeild unto us the tenth pairt of the same, oure pleasour is that yee graunte warrant to thame for that effect. And for so doing and performance of the whole premisis these salbe unto yow a sufficient warrant. So we bid yow fairwell. At Apthorpe, the first of August 1616."

into a twenty-one years lease of the same to the said Stephen and his brother William jointly.

Fol. 64, b.

Decreta Mar. 1616–Jan. 1617. Fol. 226, a.

[Sederunt as recorded above.]

Edinburgh, 18th September 1616.

Complaint by Johnne, Earl of Mar, Lord Erskene and Garioche, Robert Maistertoun, his tenant in the Park Mylne of Alloway, Johnne and William Horn, his millers there, as follows:—The said Earl has heritable possession of the said mill and pertinents, together with right to take earth and stone from the lands of Eist Park, south of the said mill on the water of Litle Doven, for upholding the same; and Sir Robert Bruce of Clakmannane and his predecessors have been expressly bound not to interfere with the said possession and right. Yet, on 3rd September instant, Archibald Bruce, officer of the said Sir Robert, William Melvill, *alias* Gairdner, James Quhyte, and George Bruce, all in Clakman-

The Earl of Mar against the Laird of Clackmannan and others for riot and assault.

nane, came, by direction of the said Robert (as they affirmed), with great staffs in their hands, to the said land of Eist Park, where Robert Maistertoun and his said millers were "casting faill and aird" for upholding the said mill, dam, lade, and house thereof; threatened them, saying "how durst thay knovis, for thair hangingis and luggis, come and cast ony faill or aird in that boundis"; and assaulted them. They struck John Horne on the head with staffs, and struggled with them for a long time. Pursuers, seeing a great number of people coming from the town of Clakmannane to assist their opponents, then fled for their lives. Again, on the morning of the 4th, the said officer, Robert Kerie in Clakmannane, Robert Bruce there, Robert Quhyte there, and Alexander Douglas there, with convocation of the whole town of Clakmannane, returned, by direction of the said Sir Robert, to the fields at Eist Perk, where pursuers were at work, and stopped their labours. They cut the fuel in pieces with staffs and "heukis"; attacked pursuers by taking them by their throats and necks; and swore that they would have their lives. Further, on 6th September, the said officer, Robert Kerie, James Dasoun, Johnne Davidsoun, Robert Quhyte, William Melvill, Johnne Quhyte, William Hutoun, and Archibald Lamb, "assistit and fortifeit with the haill toun of Clakmannane," renewed the assault at the same place on Johnne and William Horne, and also attacked James Duchall, whom they threw to the ground; and thereafter took away their spades by force.—The Earl of Mar and Robert Maistertoun appearing personally in name of pursuers, and Sir Robert Bruce, George Bruce, Archibald Bruce, Alexander Douglas, Robert Kerie, William Huttoun, Robert Quhyte, James Dasoun, and Archibald Lamb, also appearing, but the other defenders not being present, the Lords find the charge of assault on 6th September to be proven, and order the said Archibald Bruce to be detained in the Tolbooth of Edinburgh at his own expense during their pleasure. After hearing denial on oath, they assoilzie him from the other charges, and likewise the other defenders from all the charges.

Decreta Mar. 1616–Jan. 1617.

Fol. 226, b.

Caption against Ormiston of Old Melrose for debt.

Complaint by Waltir Scott of Todrig that Robert Ormestoun of Auldmelros remains unrelaxed from a horning of 7th December 1611 for not paying 820 merks of principal and an annualrent of 40 merks yearly since 1601.—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 227, a.

Caption against Mortimer of Parkford for failure of obligation for Rhynd of Carse.

Complaint by James Mairtene, burgess of Edinburgh, that Johnne Mortymer of Parkfurde remains unrelaxed from a horning of 24th July last for not fulfilling the obligation, dated 29th January last, that Johnne Rynd of Cars should not depart from Edinburgh till he had paid his debts.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Fol. 227, b.

Decreta Mar. 1616–Jan. 1617. Fol. 228, a.

Caption against Patrick Halkhead for non-relief of caution.

Complaint by Sir George Touris of Garmiltoun, knight, that Patrik Halkheid of Lumfynnance remains unrelaxed from a horning of 31st July last for not relieving pursuer as cautioner for him, at the hands of William Naper, advocate, for 1000 merks of principal and 200 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 228, b.

Caption against James Sandilands of Gilliswall for non-relief of caution.

Complaint by George Todrig, younger, merchant burgess of Edinburgh, that James Sandielandis of Gilliswall remains unrelaxed from a horning of 10th August last for not relieving pursuer as cautioner for him, at the hands of David Creichtoun, servitor to Mr. Robert Williamsoun of Morestoun, writer, asssignee of William Murray of Dunnarne, for 2000 merks of principal and 200 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Fol. 229, a.

Caption against Sir Alexander Kirkpatrick of Kirkmichael for non-fulfilment of obligation to Sir John Charteris.

Complaint by Sir Johnne Chairterhouse, son and heir of the late Sir Johnne Chairteris of Amisfeild, that Sir Alexander Kirkpatrik of Kirkmichaell remains unrelaxed from a horning of 4th September inst., for not duly infefting pursuer in all and whole the twenty pound land of old extent of Mollingis, Rahillis, Canzartoun, Monygaris, Brydanholme and Wowgillis with their pertinents, and in the town and lands of Kirkmichaell, with the mill and mill lands, and for not paying to Robert Chairteris, William Chairteris, and Jonet Chairteris, children of the late Sir Johnne, the annualrent of 7650 merks, at 10 per cent.—Pursuer appearing by James King, his procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Patrick Stewart and his spouse for debt.

Complaint by Johnne Fullertoun, merchant burgess of Dundie, that Patrik Stewart, merchant burgess of Abirdene, and Margaret Watsoun, his spouse, remain unrelaxed from a horning of 20th August instant for not paying £40, as first term's payment and part payment of £120, together with 20 merks of expenses: also for not paying other £40 in part payment of the said £120, and other 20 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords give order to the Captain of the Guard as above.

Fol. 229, b.

Caption against Alexander Bruce and Mr. John Gibson for debt.

Complaint by George Petrie, merchant burgess of Montrois, that Alexander Bruce of Ballintone, and Mr. Johnne Gibsoun, coal grieve at Airth, remain unrelaxed from a horning of 24th June last for not paying 1000 merks of principal and £100 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defenders not appearing, the Lords give order to the Captain of the Guard as above.

Caption against the Lady St. Colme and Patrick Stewart for debt.

Complaint by Petir Algeo, writer in Edinburgh, that Dame Jeane Stewart, relict of Henry, Lord Sanctcolme, as principal, and Patrik Stewart of Baith, as cautioner for her, remain unrelaxed from hornings of 20th August 1613 and 10th and 13th August last for not paying to him £240 of principal and £40 of expenses.—Pursuer appearing

personally, and defenders not appearing, the Lords give order to the Captain of the Guard as above. Decreta Mar. 1616–Jan. 1617.

The provost and bailies of Stirling against the crafts of that burgh for obstinate and systematic mutiny against the rule of the burgh, for holding unlawful meetings, and for certain special acts of disobedience and contumacy.

Complaint by James Schorte, provost, and Waltir Cowane, Johnne Scherair, and James Robertsoun, bailies of Striveling, as follows:—"The craftismen of the burgh of Striveling, who are a nomber of factious, seditious, restles, and bussy bodyis, haveing united and bund thameselffis in a factious and mutinus societie and fellowschip aganis thair lauchfull magistratis, and presomeing upoun thair awne pouer, force, and strenth, be reasoun of thair multitude, thay have thir divers yeiris bigane verie fer disturbit the peace and quietnes of the said burgh, resolveing outhir directlie or indirectlie to intruse thame in the officeis of magistracie within the said burgh, and to usurp upoun thame the libertie and previledges of the gild bretherine. And, to the effect thair unlauchfull pretensis mycht have sum pretext and schaw of equitie and reasoun, thay first enterit in proces aganis thair magistratis before the Lordis of Counsaill and Sessioun upoun that poynte of the merchand gildrie acclamed be thame, and held thame in trouble and proces for that caus a long tyme; and, finding that thair endevoiris in that busynes wer lyke to prove fruitles and vane, as haveing no warrand nor ground of law, ressoun, nor justice, thay than resolved to do that by force and violence quhilk thay wer not able to compas be law. And, for that effect, thay have, oulklie upoun Monanday, most unlauchfullie convenit and assemblit togidder, as ordinarlie thay do yit convene and meete everie Monanday, in grite nomber upoun the hillis in skirtis of the said burgh; and at these unlauchfull meitingis thay mak and set doun pretendit actis and statutis amangis thame selffis. As, namelie, thay have maid actis anent the weght of thair breid, ordaning the same to be sa mony unce lichter nor the actis and ordinanceis of the said burgh allowis; and thay have maid some actis exemeing thame selffis frome payment of thair pairtis of that ordinair collectioun lifted for the minister and scolemaister of the said burgh. And thay have bookis quhairin thay insert thair actis; Fol. 231, a. and thay decyde all actionis, questionis, and contraversie occurring amangis thame; usurpis upoun thame the auctoritie of the magistrat[is]; and in maner thay have dismemberit thame selffis frome the body of the said burgh, making up the frame of a body of thair awne; aud thay leive undir the obedience of thair awne pretendit lawis, without acknawledgeing thair magistratis in ony case. And, when ony mater is proponit in the counsaill of the said burgh quhairin the advise of the craftis is requisite, quhidder it be for his Majesteis service or for ony uther mater concerning the weill of the said burgh, the mater is differred be the craftis till thair metingis upoun the hillis; and, unles the haill multitude condiscend and aggrie to the mater propouned, it is rejectit, althoght it be nevir so reasounable and necessar. And, be thair oulklie conventionis most unlauchfullie and factiouslie keepit upoun the hillis, the craftis are come to that heicht of pride that thay upbraid the magistratis in thair faceis, not spairing to do the samyn in the place of Fol. 230, b.

Decreta Mar. 1616–Jan. 1617.

judgement, vanting of thair nomber, welth, and strenth; and sometymes, quhenas some of thair nomber for thair misdemeanour hes bene committit to waird, thay have violentlie tane the keyis fra the magistratis and set thair men to libertie, sua that now the estaite of the said burgh is become so disordourit and confused as in a maner the administratioun of justice within the same ceasis. With the quhilk insolenceis and enormiteis the saidis complenaris, and thair predicessouris, magistratis of the said burgh, hes thir divers yeiris comportit evir, hoiping that the reverence of the law wald in tyme have reclamed thame frome thair foleyis; but the saidis complenairis findis by experience that thair silence and connivence heapis forder contempt and disdane upoun thame, and emboldines thir restles and mutinous personis to go frome ane disordour to another. In so fer, as laitlie, in the moneth of July last, the saidis complenairis haveing appointit thair wapponschawing to the fytene of that moneth, and it being a constant custome within the said burgh inviolablie keipit in all tyme bigane that the thrie ensenyeis of the said burgh (quhairof the first, quhilk is callit the Kingis standairt or the townes ensenyie, hes the first place) sould be borne as followis,—to witt, the Kingis standairt or townes ensenyee be suche a persone as the provest and bailleis sould mak chose of, the secund ensenyie, callit the merchantis ensenyee, be a merchant, and the thrid ensenyee, callit the craftis ensenyee, be a craftisman,—the saidis craftis resolved, out of the ambitioun and pryde of thair hairtis, that thay wald have the careying and bearing of that ensenyie callit the Kingis standart with thair awne. And thay proponit the same in the counsaill of the burgh; and, being with reasoun refuisit thairof, Thomas Tailyeour, deacone of the baxteris, and Robert Hendirsoun, deacone convenair and deacone of the hammirmen, most proudlie and disdanefullie, in oppin judgement, answerit the saidis complenairis that, gif ane of thame gat not the principall ensenyee to beare, that the haill craftis

Fol. 231, b.

sould musture be thame selffis, and misknaw the saidis complenairis and the rest of the said burgh. And, the saidis complenairis persaveing that thair drift and purpois in this mater tendit to some grite mischeif and trouble, thay meanit thame selffis thairupoun to the Lordis of Prevey Counsaill, and obtenit letteris be the saidis Lordis deliverance, quhairwith thay causit chairge the saidis craftismen to mak thair mustouris with thame in a peciable and quiet maner according to use and wount, and to follow thair directionis thairintill. And, thay finding that be this chairge thay wer lyke to be frustrat of thair hoipis in careying the principall ensenyee callit the Kingis standart, thay than resolvit to mak ane new ensenyee of thair awne, agreable in lenth, breid, and culloure to the Kingis standart, and to caus ane of thair nomber beare it with thair awne commoun ensenyee at that wapponschawing day. Quhairof the saidis complenairis being informit, and thay fearing some evill to follow thairupoun, and that the same wald produce a generall commotioun and trouble within the said burgh, especiallie amangis the craftis thame selffis,

anent the prerogative in bearing of thair new ensenyee, seeing everie craft had ane badge or baner of thair awne with ane commoun ensenyie for the haill craftis, the saidis complenairis thairfore be ane act and ordinance of thair counsell dischairgit the said Thomas Tailyeour and Robert Hendirsoun, and the haill remanent craftis, that thay sould not presome to bring fur[th] thair new ensenyee, nor mak no innovatioun nor trouble at thair wapponschawing. Bot so fer wer thay frome geving obedience that the haill craftis convenit, first at Thomas Tailyeouris house, and fra that at Robert Hendirsonis house; and, thir twa ensenyees being brocht furth thairof, the new ensenyee wes borne be Thomas Tailyeour. Thay maid a forme of mustour of thair awne; past up and doun the streitis all that day in thair airmes; and did alwyse misknaw the saidis complenairis quhen thay mett thame upoun the streitis. And at nicht thair arose a tumult amongis thame selffis, quhilkis the saidis complenaris apprehendit wes purpoislie done to haif drawne thame oute, that in that tumult thay micht haif committit some mischeif upoun thame. In the quhilkis haill disordouris and insolenceis abonewrittin the personis following,—thay ar to say, the said Thomas Tailyeour, deacone of the baxteris, Robert Hendirsoun, deacone of the hammirmen, James Spittell *alias* Waird, David Miller, Johnne Andirsoun, baxteris and auld deaconis of the said craft, Cristopher Cairnis, baxter, James Archibald, baxter, Alexander Huttoun, skynner and sumtyme deacone, James Stevinsoun, maltman and sumtyme deacone, Johnne Andirsoun, tailyeour, and Thomas Couper,—are cheif and principall actouris, plottaris, counsallouris, and ringleidairis; and be thame the ignorant multitude ar drawne to all thir foleyis at thair pleasour; with whome gif some examplair ordour be not tane, it wilbe impossible for the saidis complenairis, or for ony utheris who sall haif the chairge of the said burgh efter thame, to retene and hold the said burgh undir ony kynd of governament."—Pursuers appearing personally, and the above named defenders being also present, the Lords find that the defenders have held unlawful meetings, have opposed the magistrates, have withheld their share of their pastor's and minister's stipend, have not conformed to the acts anent the bread, have threatened the magistrates, and have disobeyed the order of Council anent the standard; that the libelled persons, and especially Robert Hendirsoun, Thomas Tailyeour, and James Waird, are the chief actors; that Alexander Huttoun, who was lawfully committed, perforce took the keys from the officer in presence of the magistrates; and that the said crafts have behaved most seditiously and undutifully. The Lords therefore order the said Thomas Tailyeour, James Steinsoun, Alexander Huttoun, Robert Hendirsoun, James Waird, and Cristall Cairnis to be detained in the Tolbooth of Edinburgh at their own expense during their Lordships' pleasure. The Lords postpone sentence on the other defenders; and fix the next Council day, the 9th of October, for the production by Thomas Tailyeour of the book above-mentioned, which he confessed was in his keeping, and which he promised to exhibit "unvitiat in ony pointe."

Decreta Mar. 1616–Jan. 1617.

Fol. 232, b.

Decreta Mar. 1616-Jan. 1617. Pursuers have proved all the charges, except that concerning the unlawful band foresaid subscribed by the deacons, which they affirmed some of the defenders had upon them; "and, thay being posed thairupoun, the said Thomas Tailyeour grantit and confest the haveing of the said band, and producit the same."

Fol. 232, b. Complaint by Johnne Reid, sometime in Tarland, and now in Bellistred, that, on 14th September 1614, Nicoll Ros in Tarland, Alexander Ros there, James Ogilbie there, and Johnne Oig in Eistoun, with others, all armed with swords, long staffs, forks, &c., went to the lands of Tarland, where pursuer was for the time, and assaulted him so severely Fol. 233, a. that he lay bed-fast for two months.—Pursuer appearing personally, and the said defenders not appearing, the Lords find the charge proved against said Nicoll and Alexander Ros, and order them to be detained in the Tolbooth of Edinburgh at their own expense during their Lordships' pleasure. The Lords assoilzie the other defenders.

John Reid against Nicol and Alexander Ross for assault.

Fol. 233, b. Complaint by James Gairdin, "maister cannoner" of the Castle of Striveling, as follows:—Early in the morning of 25th July last, pursuer, while going from Striveling to Edinburgh, was met by Mr. William Levingstoun of Wester Grenyairdis, and William Young, messenger, accompanied by Henry Levingstoun, brother of the said Mr. William, Robert Levingstoun, younger, apparent of Wester Grenyairdis, William Mayne in Orchardis, James Forsyth, merchant in Striveling, and Johnne Baird, servitor to the said Mr. William Levingstoun, armed with swords, gantillats, plaitsleeves, &c. They had lain in wait for him all night at that part of road called the Stanehouse. Pretending that pursuer was at the horn for not paying a certain sum to William Lindsay, servitor to Johnne, Earl of Mar, and that they had letters of caption, they apprehended pursuer, took him to Falkirk, committed him to prison in the dwelling house of Alexander Oiswald, and detained him there till he was released by Mr. Patrik Sibbald. The said William Lindsay had, however, received the annualrent of the sum to Martimas next; and, for the sure payment of the amount at that term, a band had been given by Sir Alexander Drummond of Carnok, with the said William's consent, and had been placed in the hands of Mr. Henry Kinros, advocate, to be delivered to the said William upon his discharge of the former bands received by him. Pursuer thereupon raised letters of complaint, and determined to go to Edinburgh to insist in his suit. On Sunday 28th August last he resolved to go to the preaching to hear that day's sermon, and thereafter to set out for Edinburgh; but the said Mr. Fol. 234, a. Williame, learning his intention, came with the foresaid accomplices to his house in Blakhill, apprehended him, and carried him to Linlithgow. He was detained there a long space.—Pursuer and defenders appearing personally, the Lords assoilzie defenders, because it has been proved by them that pursuer was lawfully arrested by William Young, messenger, by virtue of letters of caption raised by the said William Lindsay, for not paying him 100 merks of principal and £12 of expenses.

James Gairden against Mr. William Livingston and others for illegal arrest and imprisonment: defenders assoilzied.

Isobell M'Kenzie and others against John Shaw and others for piracy and murder.

Decreta Mar. 1616–Jan. 1617.

Complaint by the King's Advocate, Issobell M^cKanzie, relict of Johnne M^cKanzie in Ratirnes, and the remaining kin and friends of the said Johnne, Robert Alexander, skipper in Bruntiland, Andro Sym and James Kay, skippers in Kinghorne, for themselves and the other skippers and mariners dwelling in Kinghorne and Bruntiland who were lately taken and robbed of their goods on the coast of the Lewis by the traitors and rebels of Yla, as follows:—Despite the divers intimations Fol. 234, b. made to the chieftains of the Isles, by commissions, verbal directions, missive letters, and otherwise, against the resset of rebels, nevertheless Gillichallum M^cRorie M^cCleud, Sorle M^cDonald, and a number of others, the principal actors in the rebellion in the West Isles in past years, and abettors of the traitor M^cDonald, being driven from the Isles by the royal forces, have become pirates, and have committed divers robberies both upon the King's subjects and upon strangers. Having taken a French bark which they furnished and armed, and obtaining the assistance of a number of fugitive thieves of the Isles, they resolved to make an attempt against the merchants and fishers in the North Isles, and especially in the Lewis. They were assured of friendship and resset among the men of M^cCleud of Hereis. In May last they arrived in Lochmaldie on the coast of Uist, and there lay at anchor till they advertised the men of Hereis of their presence. Upon this advertisement, the following persons, viz., Johnne M^cAngus V^cConeill V^cEwir *alias* Johnne Schaw, Murdo M^cEane V^cEane, Neill Bane M^cEane V^cNeill, Gillichreist M^cVaird V^cMurchie, Finla Feir, Donald M^cEane Garve, Johnne M^cEane Garve, his brother, Neill M^cEane V^cEane in Vaternis, Alexander M^cAllane V^cAllaster there, William M^cJohnne Johne Rewach, officer there, Donald Bane M^cNeill V^eSorlie there, Johnne M^cAngarve there, Johnne M^cCormod V^cAne Vane, Johnne M^cEane V^cTagart there, and Torzeallach Omurrisane, all servants and tenants of Sir Rory M^cCleud of Hereis, came and had long conference with the said traitors, and arranged a plot to attack those of the King's good subjects in the Lewis against whom they bore grudge, and to capture the merchant ships that were lying there. "For the keiping of the quhilk promeis the personis Fol. 235, a. foirsaidis, upoun the day of the said moneth of May last, come, in ane boit of aucht airis pertening to the said Sir Rorye, to the saidis traytouris, who wer by and for the tyme in Lochchennart upoun the coast of the Lewis, and enterit in thair schip, and gaif notice unto thame that the said Robert Alexander wes lyand neir by with his bark upoun the coast ather in Starnway or Lochfurna, promeising to direct and gyd thame richt to his said bark, conditionalie that thay micht be pairtenairis with thame in thair hasard and benefite. Quhilk conditioun being kyndlie imbraceit be the traytouris, thair chiftane, to witt, Malcome M^cRorie M^cCleud, and fourty airmed men with him, with muscatis and tairgis, come oute of thair awne schip and enterit in the foirsaid auchtairit boit pertening to M^cCleud of Hereis and his men, be whome they wer conductit and led alongis the coast of the Lewis till thay come to

Decreta Mar. 1616–Jan. 1617.

Lochesturin, quhair the said Robert Alexanderis bark lay. And, the said Robert and his haill equippage being all sleiping in thair beddis dreiding harme of no man, thay wer boordit be the saidis lymmairis about midnycht, or evir thay wer war of thame, who schamefullie and cruellie invaidit and persewit thame of thair lyveis lyand in thair naiked beddis, hurte and woundit sindrie of thame, especiallie the said Robert Alexander in divers pairtis of his body, to the hasard and perrell of thair lyveis, seasit upoun thair schip and goodis, maid thame selffis maisteris and commanderis thairof, and tooke the said Robert and his equippage prisonnaris. And immediatlie thairefter the said Malcome with twenty of his company come to land in the said boit with aucht airis, and, by the convoy, informatioun, and directioun of the personis foirsaidis, men and tennentis to M°Cleud of Hereis, come to the said umquhill Johnne M°Kanzeis house in the Lewis before the brek of day, he being sleiping in his naiked bed, and crewllie and unmercifullie murdreist and slew him and some of his servandis, and spoyled his house, and come bak agane in the said aucht-airit boit to the said Robert Alexanderis bark, vanting of the murthour foirsaid committit be thame. And, haveing lousit the said Robertis schip, thay towed hir to thair bark, and tooke thame in to ane harborie, and spoyled thame of all thair goodis and quhat ellis wes in the said schip, leveing nane of the said Robert his equippage samekle as a sark to put on thair bakis. And, thair goodis being dividit according to the conditioun past betuix thame as said is, M°Cleud of Hereis men foirsaidis took thair portioun thairof, quhilk consistit of wyn and merchandice, with thame in thair awne boit to the said Sir Roryis awne house of Dunveggane, quhair thay topped and sauld the same wynis
Fol. 235, b. and merchandice at thair pleasour, and maid publict and oppin mercat of the same."—The King's Advocate, and Robert Sym and James Kay, appearing personally, and the defenders not appearing, the Lords order the said Johnne Schaw to enter his person within the Tolbooth of Edinburgh and to remain there at his own expense during their Lordships' pleasure; and they assoilzie the other defenders, because the complaint is not proven against them.

James Cuningham and others against Herbert Dickson and his sons for reduction of caution.

Fol. 236, a. Complaint by James Cunighame, bailie and burgess of Drumfreis, William M°Gowne there, and Agnes Corsane, his spouse, William Carlile there, and Issobell Kirkpatrik, his spouse, Johnne Johnnestoun, potter there, and Issobell M°Gowne, his spouse, Roger Foid, and Agnes Johnestoun, his spouse, James M°Gowne there, and Agnes Cunynghame, his spouse, Thomas M°Millane there, and Katherine Cuninghame, his spouse, Robert Cunynghame there, and Margaret Hereis, his spouse, William Cunynghame, merchant there, and Thomas Lindsay there, as follows:—Pursuers have been charged at the instance of Harbert Diksoun, burgess of Drumfreis, Johnne and Thomas Diksoun, his sons, Harbert Diksoun in Mouswall, and Johnne Scot in Drumfreis, to find caution for their indemnity in 1000 merks each within a certain short time. These pains are extraordinary and beyond those appointed by Parliament; and pur-

suers are all poor burgesses and indwellers in Drumfreis, not worth £100 each in free gear. The penalties should be modified to £40 or £50. For obedience pursuers have found the caution set down in the charge.—Pursuers appearing by Adam Cunynghame, their procurator, and defenders appearing by James Diksoun, their procurator, the Lords suspend the process, and order the said James Cunynghame, William M^cGowne, James M^cGowne, Thomas M^cMillane, and Robert Cunynghame, each of them with his wife, to find caution for 500 merks, and the said William Cunynhame, and Thomas Lindsay, each of them with his wife, for 300 merks, and the others for £40. Decreta Mar. 1616-Jan. 1617.

Mr. Thomas Moir, minister of Morebattle, against Andrew Ker and others for assault.

Complaint by Mr. Thomas Moir, parson and minister at Morbotle, as follows:—Pursuer holds the teinds of the lands of Toftis, and has collected the teind sheaves of the same for divers years; but of late Andro Ker, son of Sir Johnne Ker of Jedburgh, has begun to molest pursuer. On 3rd September instant, while pursuer was on the said land, ready to have teinded the corn, the said Andro, accompanied by Waltir Ker in Lyntoun, Thomas Young there, Robert Wricht in Cowboig, and George Pott there, with others, all armed, went up to him, upbraided him, attacked him with swords, forks, and staffs, and, throwing him to the ground, leaped upon him and bruised him with their feet and knees.—Pursuer appearing personally, and defenders not appearing, the Lords find the charge proven, and order the forenamed defenders to enter their persons within the Tolbooth of Edinburgh, and to remain there at their own expense during their Lordships' pleasure. Fol. 236, b.

James Seaton against Mathew Reid for illegal arrest.

Complaint by James Seatoun in Winshburgh, servitor to the Earl of Wyntoun, as follows:—On 24th June last, pursuer having gone to the fair at the burgh of Air on private business very early in the morning, David Campbell of Overtoun, Hew Campbell, his brother, Mathew Campbell, servitor to the said David, Mathew Reid in Blaksyde, and others arrested him, and placed him in the tolbooth, where he was detained for most of that day; nor would defenders suffer him to have his liberty till he had delivered to them his horse, and his purse, with all the money therein.—Pursuer appearing personally, and defenders not appearing, the Lords find the charge proven against the said Mathew Reid and order him to enter his person within the Tolbooth of Edinburgh, and to remain there at his own expense during their Lordships' pleasure. They assoilzie the said Mathew Campbell, and excuse the non-appearance of the said David Campbell, as his minister has appeared personally before the Council and has stated on oath that defender is unable to travel through sickness. Fol. 237, a. Fol. 238, a.

Commission for the trial of a cattle-stealer.

Commission under the Signet, signed by the Chancellor, Hammiltoun, Sanctandrois, and Glasgow, to Sir Duncane Campbell of Glenurquhy, knight, to try Archibald M^cInnoyer, now in the custody of the said Sir Duncan, for going at night on August last with a nomber of broken men to the lands of Glenurquhy and stealing 16 cattle, and for breaking into the houses of some tenants on the lands of Glenfallache on a night during August last and taking away some of their goods. Commissions. Fol. 10, b.

Commissions.

Commission under the Signet, signed by the Chancellor, Hammiltoun, Sanctandrois, Ja. Bishop of Glasgow, and Mar, to the provost and Fol. 11, a. bailies of Haddingtoun, to try Thomas Bartilmo, tailor, burgess of Haddingtoun, James Craik in Gulane, and George Bartilmo there, now in the tolbooth of Haddingtoun for the murder of Thomas Brysoun, tailor, burgess of the said burgh. Commission for the trial of Thomas Bartilmo and others for murder.

Commission under the Signet, signed by the Chancellor, Bining, Sir J. Murray, and Sir [A.] Drumond, is given to Alexander Menzeis of that Ilk, heritable bailie of the Lordship of Apnadall, David, Lord of Scone, and Sir William Stewart of Garnetully, or any two of them, the said laird of Weyme being one, to try Patrik Dow M^{c}Kepnā (?) in Apnadaill, and Finla M^{c}Can Dowy V^{c}Coneill M^{c}Innes there, tenants of the said Alexander Menzeis, who are now in his custody for theft,—the said Patrik having stolen a gray horse and a black mare from Johne Archer in Cairco, a brown mare from William Stratgaith in Strathurd, and two horses from Strabrane, belonging to the tenants of Sir William Stewart of Garntullie, and the said Finla having stolen four horses from the lands of Tullibagillis, a brown hackney horse belonging to the Lord of Scone, and three sheep belonging to James Mathisoun. Commission for the trial of two Highlanders for theft.

Fol. 11, b. Licence to Alexander Lawder, fiar of Haltoun, to go abroad and remain for three years, "for the exercise of his body and doing of his lauchfull affairis," without skaith to person or goods for so doing, provided he behave as a dutiful subject during his absence.—Given under the Signet, and signed by the Chancellor, Hamiltoun, Sanctandrois, Ja: Bishop of Glasgow, and Mar. Licence to Alexander Lauder of Haltoun to go abroad.

Fol. 12, a. Licence to Thomas Drummond of Pitcairnes to go abroad and remain for years, without skaith to person or goods for so doing, provided he behave as a dutiful subject during his absence.—Given under the Signet, and signed by the Chancellor, Hammiltoun, Mar, and Binning. Licence to Thomas Drummond to go abroad.[1]

Fol. 13, b. Commission of the Peace for the sheriffdom of Renfrew, to the Chancellor, the Archbishop of Glasgow, the Lords of the Privy Council and the Senators of the College of Justice, Ludovik, Duke of Lennox, Johnne, Earl of Mar, James, Earl of Glencarne, James, Earl of Abircorne, Hew, [Lord] Semple, Waltir, Lord Blantyre, Robert Mure of Cauldwell, Maxwell of Nether Pollok, Flemyng of Barochane, Birsbane of Bischiptoun, William Poterfeild of Duchell, Sir James Semple of Beltreis, Johne Wallace of Johnnstoun, Stewart of Castilmilk, and Alexander Cochrane of that Ilk; the said Maxwell of Nethir Pollok to be Recorder. Commission of the Peace for Renfrewshire.

Sederunts. Fol. 141, b. "Ane letter to his Majestie in favouris of his Majesteis subjectis distrest in Swaden." Scots in Sweden.

"Aggreement betuix the Thesaurair and David Andersoun for theakeing of the Castell of Edinburgh." [See *Acta*, 28th August 1616, p. 612.] Edinburgh Castle.

[1] This licence is undated, but it immediately follows the preceding licence, and has evidently been entered in the *Book of Commissions* at the same time.

Edinburgh, 9th October 1616.

Sederunt—Chancellor; Hammiltoun; Mar; Wyntoun; Perthe; Lotheane; Roxburgh; Colvill; Burley; Binning; Bishop of Caithnes; Master of Elphinstoun; Kilsythe; Bruntyland; Justice Clerk; Sir Andro Hammiltoun; Sir James Skeene; Mr. Peter Rollock; Sir Andro Ker. Acta Mar. 1615–Aug. 1617. Fol. 64, b.

Adjournment, for certain reasons, of the final settlement of the differences between William Crichton, natural son of the late Lord Sanquhar, and the present Lord Sanquhar.

"The quhilk day in presence of the Lordis of Secreit Counsall compeirit Williame, Lord Creichtoun of Sanquhair, and Williame Creichtoun, base sone to the laite Lord Sanquhair, with Robert, Erll of Roxburgh and the Laird of Drumlanrig, tua of the said Williame his curatoris, for obedience of the chairge and letter execute aganis thame to that effect [*ante*, p. 624]; and,—the saidis Lord Sanquhair and William Creichtoun being demandit gif thay wer providit and resolved to submitt [the] differenceis betuix thame anent the satisfactioun quhilk sould be maid [and] gevin be the said Lord Sanquhair to the said Williame for ony richt or . . quhilk he can pretend to the Lordship of Sanquhair, conforme to his [Majesteis de]creit arbitrall gevin and pronunceit in that mater, as also the [said] Williame Creichtoun being demandit gif he wes of lauchfull aige, and [gif] he had gottin ony lauchfull certificat thairupoun from his birth place and freindis in France to whome he promeist to haif writtin unto [on this] earand,—the said Williame Creichtoun declarit that he could [not] constantlie affirme that he wes of lauchfull aige, bot he . . oun that he wes verie neir thairunto, and both he and the [Lord] of Roxburgh affirmed that thay had writtin to France to haif [the mater] cleirit in that pointe, bot as yit had not receaved a perfyte answeir; and yitt, nevertheles, for certificatioun of thair willing dispositioun to his Majesties obedience, the said Williame Creichtoun offerit him to [be] willing and reddie presentlie to submitt in the estaite that . . . ; lykeas the Lord Sanquhair declairit that he for his pairt wes most [wil]ling to do in that mater as his Majestie had directit. The Lordis of Secreit Counsaill haveing at lenth hard both the saidis pairties [in this] mater, and finding that this submissioun, whilk in effect is the conclusioun and . . sing up of his Majesties royall decreit and sentence gevin and pronunceit betuix the saidis pairties, will not at this tyme in the said Williame his minoritie produce that goode effect betuix thame quhilk his Majestie so earnestlie wishes, and for the whilk his Majestie hes tane so grite panes and travellis: thairfoir the saidis Lordis thinkis it meete and expedient that the urgeing of the said submissioun sall yit rest and ly over untill the tyme of the said Williame his assured and knawne majoritie, whilk now shortelie approtches, to the effect that all materis may be so handled betuix thame at that tyme as all future occasioun of questioun or pley whilk may result and arryse upoun his Majesties decreit and sentence foirsaid may be fullie and finallie removed and tane away. And the saidis Lordis ordanes ane missive to be writtin to his Majestie to acquent his Majestie with thair proceedingis heirin."

Acta Mar. 1615–Aug. 1617. Fol. 65, a.

"Forsamekle as it is understand to the Lordis of Secreit Counsall that, upoun occasioun of ane unhappie accident whilk happynit and fell oute betuix James Lyndsay of Fairgirth on the one pairt and Johne Lindsay of Auchinsheoch and his oyis on the other pairt, quhair the said James wes hurte on the hand and one of the said Johne his oyis wes hurte on the leg, some foure yeiris syne or thairby, the saidis pairties, nochtwithstanding the blood is now cold and that thay ar neir nychtboris, kynnismen, and freindis, doeth continew in thair cholerik and hett passionis, and doeth seike the prosequutioun of thair private revengeis—especiallie the said Johne Lindsay, who, haveing rejectit the offeris maid unto him and his oyis be the said James, and disdaning a freindlie dress and reconsiliatioun doeth onlie seik his private revenge,—whairupoun forder inconvenientis ar lyke to fall oute betuix thame, to the brek of his Majesties peace and disquieting of the countrie, withoute remeid be providit: Thairfoir the saidis Lordis ordanis letteris to be direct chairgeing the said James Lindsay of Fairgirthe, [Johne] and Williame Lyndsayes, his sones, and Hew Lindsay of Restarrell, on the one pairt, and the said Johne Lindsay of Auchinsheoch, James Lindsay, his sone, Johne, James, and Archibald Lindsayes, sones to the said James, on the other pairt, to compeir personallie before the Lordis of Secrite Counsall upoun the penult day of October instant to answeir to the premisis, and to underly suche ordour as salbe tane with thame for the peace and quiet of the cuntrey, and to heir and sie thame decernit to submitt the feade, quarrellis, and differenceis standing betuix thame to newtrall and indifferent freindis, to be nominate be thame the said day, conforme to the act of Conventioun of the Estaitis maid thairanent, under the pane of rebellioun, &c., with certificatioun, &c."

Charge to the Lindsays of Fairgirth and the Lindsays of Auchinskeoch to appear and submit a quarrel between them which, though originating in an accident four years ago, still threatens to disturb the peace.

Decreta Mar. 1616–Jan. 1617. Fol. 238, a.

[Sederunt as recorded above.]

Edinburgh, 9th October 1616.

Complaint by Thomas Grant in Lyne and Robert Fichie in Culquhey, that they have been put to the horn wrongously, at the instance of Jeane Innes, spouse of Thomas Grant of Cardallis, and the said Thomas for his interest, for not appearing to answer the charge of assault on the said Jeane. Having been charged to appear on the 7th of August last, they came to Edinburgh; but the Council did not meet on that day, as most of the Lords were on their way to Abirdene for the Assembly of the Kirk. If it be urged that there was a continuation of the diet, then pursuers answer that they received no intimation of the same. For obedience they had found caution for 200 merks to appear to-day.—Pursuers appearing personally, and defenders not appearing, the Lords suspend the process against pursuers.

Suspension of horning against Thomas Grant and Robert Fichie for not having appeared to a charge of assault on Jean Innes.

Fol. 238, b.

Complaint by Patrik Grant of Carroun, and Robert Grant, his brother, that they were put to the horn wrongously on 28th August last at the instance of Jeane Innes and her husband for not appearing before the Council to answer a similar charge.—Pleading and judgment as above. Pursuers,

Similar suspension in favour of Patrick Grant of Carroun and Robert Grant for the same cause.

who were the only parties present, had found caution for their appearance, —the said Patrik for 1000 merks, and the said Robert for 300 merks. Decreta Ma 1616-Jan. 1617.

Suit, in name of the burghs of the realm, against the expeding of a patent of monopoly in the business of making and selling red herring granted to Robert Hay: hearing of both parties to the suit by the Council; and decision of the Council annulling the said patent of monopoly, and declaring the trade in red herring open to all the lieges.

"Forsamekle as, informatioun being maid to the Kingis Majestie that Fol. 239, b. the twa severall pairtyis unto whome his Majestie had grantit patentis for making of rid hering within this kingdome wer aggreit and content that his Majestie sould gif ane absolute patent of the same to his servitor Robert Hay, his Majestie did thairupoun write to the Lordis of his Majesteis Prevey Counsaill for expeiding of the said patent in favouris of the said Robert Hay, and, the saidis Lordis being cairfull to undirstand and knaw how far the saidis pairteis had condiscendit unto in this mater, and quhat micht be objectit be the Burrowis of this realme aganis the passing of the said patent in the persone of the said Robert Hay, thairfore thay ordanit the saidis pairteis, and the Provest and Bailleis of Edinburgh, for thame selffis and in name of the saidis Burrowis for thair interesse, to be wairnit to compeir before thame, to declair quhat they had to say, propone, or object aganis the passing and expeiding of the patent foirsaid in favouris of the said Robert Hay; and accordinglie Joseph Marjoribankis, James Arnote, younger, and Thomas Inglis, pairteis foirsaidis, as alsua William Neisbitt, provest, and William Rig and James Arnote, twa of the bailleis, of Edinburgh for the tyme, being chairgit to have compeirit before the saidis Lordis upoun the xviij day of September now bigane to the effect abonewrittin; and the saidis Joseph Marjoribankis, and James Arnote, younger, with George Todrig, younger, ane other of the saidis pairteis, compeirand personallie, and the said Williame Rig, baillie, with David Aikinheid, Deane of Gild, and Johnne Byris, thesaurair, and some otheris of the Counsaill of the said burgh of Edinburgh, compeirand alsua personalie, and William Barclay of Innergellie, bruther to the said Robert Hay, compeirand lykwyse personalie in name of his said bruther: it wes alledget be the saidis William Rig and David Aikinheid that this wes a mater quhilk concernit the haill Burrowis of this realme in the libertie and fredome of thair commerce and trade, and that it wald be verie hurtefull and prejuditiall unto thame gif, undir the culloure of the said patent, without ony lauchfull citatioun or tryall preceiding, thay be depryvit of thair liberteis and previledgeis grantit to thame be his Majestie and his predicessouris. And forder thay alledgeit that this wes a monopoill of a dangerous preparative and example, and that patentis of that kynd and nature aucht not to be allowit of in this cuntrey, and that the saidis pairteis had no consent to gif unto the said Robert Hay Fol. 240, a. in this mater, becaus thay, at the leate Conventioun of the Burrowis haldin in the burgh of Perth in the moneth of July last, compeirit before the commissionairis thair convenit, and acknawledgeit thair oversicht in suteing of suche a patent so hurtefull and prejuditiall to the haill Burrowis, and that thay renuncet the same *simpliciter*, sua that the trade of making of reid hering micht be frie to all lauchfull subjectis at thair pleasoure. Quhairunto it wes answerit be the said William

Decreta Mar. 1616-Jan. 1617.

Barclay that the patent foirsaid wes no monopoill, and that it wes usuall, alsweill in this as in other kingdomes, that whoevir interprisit and brocht in ony trade within the cuntrey not formarlie knawne or practized within the same, that the first interprysair and inbringair of the said trade had the fredome and previledge thairof for some certane yeiris. Quhairunto it wes replyit be the saidis Williame Rig and David Aikinheid that the making of reid hering is no new trade, practize, nor inventioun brocht within this cuntrey be the said Robert Hay, bot wes a trade practized and used within the same divers yeiris afore ony motioun wes maid to his Majestie be the said Robert or ony otheris for the patent foirsaid; and, however in some caisis suche patentis are tollerable in the personis of these who are the first interprysairis, practizeairis, and inbringairis of a new proffitable trade nevir hard of nor knowin afore within the cuntrey, yitt the said Robert can not with reasoun clame ony suche previledge or fredome, he nowthir being the divisair, interprisair, nor inbringair of the said trade. Quhilk reply being found relevant be the saidis Lordis to stay the said patent, thay admitit the same to probatioun and assignit this present nynt day of October instant for preveing thairof. Upoun quhilk day James Neisbitt and Johnne Fairlie, present bailleis of Edinburgh, with the saidis David Aikinhead, Deane of Gild, and William Rig, laite bailyie, compeirand personalie, and the said William Barclay being lykwyse personalie present, the saidis bailleis produceit divers honnest and famous personis for preveing of the said reply; who being ressavit, sworne, and admitit as witnesis in this mater be the said William Barclay, thay did cleirlie and sufficientlie verifie and prove that in the sax hundreth and nyne yeir of God thair was a nomber of reid hering maid at Dumbar be certane merchantis of the burgh of Edinburgh, and that thay wer good and sufficient merchant wairis, and that ane pairt thairof wes careyed to Newheavin in Deip, Burdeaulx, and otheris pairtis in France, and thair sauld as good and lauchfull merchandice, and that the rest wer sauld in this cuntrey. In respect of the quhilk cleir probatioun led and deducit in this mater, and that the trade of making of reid hering is lyke to prove verie proffitable to the haill cuntrey, quhairof thair hes bene a verie good prooffe and begyning this present yeir, the Lordis of Secrite Counsaill findis and declairis that the patent foirsaid grantit to the said Robert Hay and in his favouris for making of reid hering is verie hurtefull and prejuditiall to the commoun weele, and thairfore ordanis the same to be stayit and onnawyse to be past nor exped his Majesteis registeris nor seallis; and declairis the trade of making of reid hering to be in all tyme comeing frie to all his Majesteis lauchfull subjectis tradismen and trafficquairis, to be usit be thame at thair pleasoure."

Vol. 240, b.

Caption against James Harvie of Elrick for debt.

Complaint by George Currour of Swalend that James Harvie of Elrik remains unrelaxed from a horning of 23rd October last for not paying to him, as assignee of Johne Gordoun of Lentusche, sheriff-depute of Abirdene, the sum of £100 of principal and 50 merks of expenses.—

Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Decreta Mar 1616–Jan. 1617.

Caption against Alexander Logan at the instance of Home of Renton.

Complaint by Alexander Home of Rentoun, that Alexander Logane, son of the late Robert Logane, sometime of Restalrig, remains unrelaxed from a horning of 19th June last for not restoring to him the teind sheaves of the parish of Horneden, or else their money value, together with £15 of expenses. Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Caption against James Tennent for debt.

Complaint by George Lockart, son of William Lockart of Glenyairdis, that James Tennent of Lenhouse remains unrelaxed from a horning of 3rd April last for not paying £100 of principal and £20 of expenses.—Pursuer appearing by Archibald Douglas, macer, and the defender not appearing, the Lords give order as above. Fol. 241, a.

Caption against James Sandilands of Gilliswall for debt.

Complaint by Robert Maissoun, merchant burgess of Edinburgh, that James Sandielandis of Gilliswall remains unrelaxed from a horning of 23rd May last for not paying £170, owed by Andro Borthuik, merchant, and arrested in the said James's hands at the instance of pursuer to the extent of £104 yet owing to pursuer by the said Andro, according to a decree of the Lords of Council and Session on the last day of February last.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard as above. Fol. 241, b.

Caption against Archibald Thomson and John Kay for debt.

Complaint by William Downie, mariner in Leith, and Jonet Aitkin, his spouse, that Archibald Thomesone, burgess of Anstruther Eister, and Johnne Kay, burgess of Pittinweyme, remain unrelaxed from a horning of 30th July last for not paying £91 of principal and £20 of expenses.—Pursuers appearing by Archibald Douglas, their procurator, and defenders not appearing, the Lords give order against defenders as above. Fol. 242, a.

Alexander Logan and others committed to ward in the Tolbooth of Edinburgh, at the suit of the King's Advocate and Alexander Home of Renton, for violent intromission with legally arrested goods, and for carrying firearms.

Complaint by the King's Advocate, and Alexander Home of Rentoun, as follows:—On certain days in August and September last, Alexander Logane, son of the late Robert Logane, sometime of Restalrig, armed with sword, dagger, &c., and with two pistollets on his person, and a hagbut in his hand, went to the barnyard of Horneden, violently caused a large quantity of corn to be threshed which had been orderly arrested by pursuer and placed there till the sums due to pursuer had been paid, and caused the said corn to be carried by night to Norhame and other places in England to be "disponit thairupoun" at his pleasure. Also, on a day in September last, the said defender, accompanied by Thomas Chirnesyde, brother of the Laird of Eist Neisbitt, Robert Frude, servitor to the Earl of Home, and Michell Furd in Dunglas, with others to the number of forty, all armed with swords, gantillats, forks, lances, &c., and carrying hagbuts and pistollets, went to the lands of Horneden, and violently collected the teind sheaves thereof. Pursuer thereupon raised letters of lawburrows against the said Alexander Logane, and employed William Lindsay, messenger, to execute the same; but, the said messenger, with William Home, servitor to pursuer, as one of his witnesses, having Fol. 242, b.

Decreta Mar. 1616–Jan. 1617.

gone on 9th September last to the town of Horneden, where defender was for the time, defender, hearing of their approach, passed over the Tweed into England, and sent back the said Thomas Chirnesyde and Robert Furd to Horneden, where they searched for the said William Home with intent to slay him.—Pursuers appearing personally, and defenders not appearing, the Lords find defenders guilty of the charge of wearing hagbuts and pistollets, and order them to enter their persons within the Tolbooth of Edinburgh, and to remain there at their own expense during their Lordships' pleasure.[1]

Fol. 243, a.

Complaint by Andrew Small and John Melville against the Sheriff-depute of Fife for wrongful imprisonment: the Sheriff-depute exonerated, and the prisoners recommitted to prison.

Complaint by Andro Small in Grange, and Johnne Maling there, that, on a day in September last, pursuers, when in the burgh of Couper in Fyff, were wrongously apprehended by Alexander Smyth, sheriff-depute of Fyff, and committed to the tolbooth there, where they are still prisoners.—The said sheriff-depute appearing and having produced Andro Small and Johnne Melvill, but declaring that they had been brought before him at a court held in Couper on 28th September last, at the instance of James Ramsay in Kynneir, on a charge of assault, and that he had found them guilty, and had sentenced them to be committed to the tolbooth till they should satisfy the party attacked, and the act of court to that effect having been produced, the Lords find that pursuers were orderly committed, and order them to be confined in the said tolbooth till they satisfy the act of court foresaid.

Fol. 243, b.

Fol. 244, a.

Sir John Ker of Jedburgh against Mr. Thomas Moir, minister of Morebattle, and others, for violence and assault: defenders assoilzied.

Complaint by Sir Johnne Ker of Jedburgh, Andro Ker, his son, George Pott in Cowboig, and Wattie Pott there, as follows:—Sir Johnne Ker and his predecessors have for a long time been in possession of the teind sheaves of the lands of Toftis, and have not been molested in the collection of the same, till lately, when Mr. Thomas Moir, minister at Morbotle, has troubled pursuer and his tenants. On 3rd September last, the said minister went with a long fork in his hand to the lands of Toftis, where the said Andro Ker and George Pott were, and, after threatening them, cruelly attacked them, wounded the said George Pott in the face, and "kaist ane wane full of coirnis in the watter." The said Thomas, perceiving that he could not prevail against pursuer, because of the assistance of the said George Pot, often challenged him to single combat; which pursuer, not through fear, but through reverence to the law, as often refused. On 4th September, the defender, accompanied by William Logane, David Young in Cavertoun, Andro Ker there, William Pringle there, and Johne Young in Cesfurd, with others to the number of twenty persons, all armed, went early in the morning to the barnyard of Cowboig, and there "kaist ane stak of coirnis," and filled a cart with the same; when Wattie Pott, pressing to stay the cart, was so cruelly attacked by them that he has lain bedfast in great pain

[1] It is worth noting that the Alexander Logan of this case was either a son or a grandson of the famous Logan of Restalrig, so memorable in Scottish history in connexion with the Gowrie Conspiracy and other dark events of his time. See *ante*, Vol. VIII. p. 151, footnote. There had been an intermediate Robert Logan in the family between that notorious Robert and this Alexander.

ever since.—Both pursuers and defenders appearing, the Lords assoilzie defenders, because the pursuers have failed to prove the charge of 3rd September, and, having left the other charges to be settled by the oath of defenders, have received a full denial of the same. Decreta Mar. 1616–Jan. 1617.

Andrew Ker, son of the said Sir John Ker of Jedburgh, with Walter Ker and others, recommitted to ward for assault on the said minister of Morebattle.

Complaint by Andro Ker, son of Sir Johnne Ker of Jedburgh, Waltir Ker in Lyntoun, Thomas Young there, Robert Wricht in Cowboig, and George Pott there, that they have been charged to enter their persons in the Tolbooth of Edinburgh by a decreet obtained by Mr Thomas Moir, minister, Morbotle, for an alleged assault, and that defender intends to put them to the horn. Pursuers, in obedience to the decree, have entered their persons in the Tolbooth, where they now remain. The Fol. 245, a. decreet, moreover, has been pronounced not for non-appearance but for "null defence." If pursuers had been present they would have brought forward relevant objections, and would have justified all that was done by them,—"quhilk wes nothing ellis bot a modest and lauchfull mantening of the said Sir Johnne his richt." No harm had been done to the said minister's person, nor had any misbehaviour taken place; and, pursuers "simply apprehending that in suche a mater, quhairin thair wes no injurie nor violence offerit to the minister, thay micht have excuisit thair absence be a procurator, thay thairupoun tooke purpois to stay at home." This was the very time of the "heit" of pursuers' harvest; and, if they had lain in ward till next Council day, they would have lost the opportunity of the then seasonable weather. They had found caution to appear this day,—the said Andro Ker for 1000 merks, and the others for 300 merks each.—Pursuers appearing personally, and defender being also present, the Lords, in consideration of the insolence committed by the pursuers against defender, order them to be committed again to the Tolbooth; but, in respect of their personal appearance, the Lords suspend the process of horning.

Andrew Small and John Melvin against James Kinnear and others for assault.

Complaint by Andro Small in Grange, and Johnne Maling there Fol. 245, b. (*ante*, p. 643), as follows:—On 27th of September last, James Kynneir, son of the Laird of Kynneir, Thomas Kynneir, Andro Clerk, James and Andro Ramsay, all in Kynneir, with others, all armed with swords, forks, longstaffs, &c., went to the lands of Grange, and there cruelly attacked not only the said Andro Small, but also the said Johnne Maling, who had come to the rescue. At the same time they carried away in carts the whole growth of an acre of bere.—Pursuers and defenders appearing personally, the Lords assoilzie defenders from the charges of assault, and remit the question of the taking of the corn to the proper court.

John Henry and his sons committed to the Tolbooth of Edinburgh for assault on Nicol Thowms and his wife.

Complaint by Nicoll Thowms, merchant burgess of Lynlithgow, and Fol. 246, a. Cristiane Wilsoun, his spouse, as follows:—On 5th October inst., while pursuer was walking on the High Street of Lynlithgow, Johnne Henrie in Linlithgow, and William and Patrik Henrie, his sons, went up to him, and attacked him and his wife with "aidgeit quhinyeairis," almost struck off two of pursuer's fingers of the left hand, and wounded the said

Decreta Mar. 1616–Jan. 1617.

Cristeane Wilsoun in divers parts. The said Nicoll is still bedfast and in great pain.—Pursuers appearing by Thowms, brother of the said Nicoll, and defenders appearing personally, the Lords find the complaint proven, and order defenders to be committed to the Tolbooth of Edinburgh, to remain there at their own expense till further order be taken in the matter.

Fol. 246, b.

George Spence against Leith, younger of Harthill, for suspension of horning.

Complaint by George Spence, son of Robert Spence of Tulloch, that he has been put to the horn wrongously, at the instance of Johnne Leith, apparent of Harthill, for not appearing before the Council to answer a charge of assaulting the said Johnne, striking him from his horse, and taking away his sword. Although pursuer was never lawfully charged to appear, yet, for odedience, he had found caution for 300 merks to appear this day, and also to pay to his Majesty's Treasurer Depute £20 for his escheat goods.—Pursuer appearing personally, and defender appearing by Leith, his brother, the Lords suspend the said horning; and further they assoilzie the said George Spence from the foresaid complaint, because, the matter having been referred to the oath of the said George, he has denied the truth of the charge.

Fol. 247, a.

Mr. Patrick Shaw, minister at Selkirk, and his wife and servant, against George Murray and others for assault.

Complaint by Mr. Patrik Schaw, minister at Selkirk, Katherine Michelhill, his spouse, and Mark Trumble, his servant, as follows:— Gawne Murray, burgess of the burgh of Selkirk, Johnne, Patrik, and Andro Murray, his sons, Johnne Kein, burgess there, James and William Kene, his sons, Mungo Nattock there, and James Kene, son of Patrik Kene there, having conceived a deadly hatred of the said Mr. Patrik, but being afraid to attempt anything against his person, resolved to attack his wife and servant, "apprehending, out of the folie of thair awne imaginationis, that, gif thay persewit the said complenaris selff, being thair pastour and minister, that thay wald be brocht to thair answer thairupoun before the Heich Commissioun of the Kirk, and for ony thing that thay sould attempt aganis his wyff or servand that thay wald nevir be brocht to thair answeir." On 23rd September last, while pursuer's wife was going from her father's house to her own, the said persons upbraided her with many contumelious words, and thereafter attacked her with staffs and stings, and would have slain her unless she had been rescued by some neighbours. They waited about pursuer's

Fol. 247, a.

gates for some days after; and on 27th September, when they saw his wife going from the house to the barnyard to look after her corn, they followed and chased her back to the house. She closed the gates; and they thereupon endeavoured to break them open, but were disappointed. They then went to the barnyard and attacked the said Mark Trumble, who was stacking the corn.—Mr. Patrik Schaw appearing in name of pursuers, and defenders being personally present, the Lords find the charge of assaulting the said Mark to be proven, and order the said Gawne to pay £10 of fine to the said Mark.

Fol, 248, a.

Suspension of horning against John

Complaint by John Leslie of Wairdes, and Normond Leslie, his brother, that they have been charged wrongously to find caution under

Leslie of Wardes and his brother for not finding lawburrows to John Leith, younger of Harthill.

pain of horning for the indemnity of Johnne Leith, apparent of Hairthill, the former for £5000 and the latter for £500. These sums are extraordinary, and should be modified. During the visit of the Lords to Abirdene in August last, pursuer and John Leith were ordered to find caution, the one with the other for only . The said Normond has no land. Pursuers have, however, found the said caution.—Pursuers appearing personally, and the defender appearing by , his procurator, the Lords suspend the process of horning, but order the sums foresaid to stand without any modification. Decreta Mar. 1616–Jan. 1617.

Submission of the quarrel between Sir Thomas Kirkpatrick of Closeburn and his son.

This day appeared personally Sir Thomas Kirkpatrik of Cloisburne, knight, on the one part, and Thomas Kirkpatrik, apparent of Cloisburne, on the other, and submitted to the decreet to be pronounced by the arbiters :—viz., Thomas, Lord Binning, President; Sir Robert Melvill of Bruntiland, knight; Robert, Earl of Lotheane; James King, advocate; and Alexander, Bishop of Caithnes, oversman (*ante*, p. 606). These persons and the oversman, being present, accept the submission; appoint the said parties to wait upon them immediately after the rising of the Council for conference upon the grounds on which this submission might take effect; and promise to give their decreet within eight days. Fol. 248, b.

For the repair of the High Street of Preston against his Majesty's coming, Hamilton of Preston empowered to levy a toll on goods passing through the High Street of the town.

Petition by Johnne Hammiltoun of Prestoun, as follows :—Although the Lords have taken a good course for enlarging and mending all the highways and passages through which his Majesty will pass on his approaching visit to Scotland, "there is a verie eminent and oppin place ovirsene," to wit, the High Gait through the town of Prestoun, which is "so brokin after a small rayne and weit as hardlie is it passible." Now, "it is a grite schame that the commoun streit of a through-fairing town so neir to the burgh of Edinburgh sall not be mendit; and, unles it be mendit in tyme, and a goode calsay maid through the same, it wilbe a grite discredite quhen the strangearis that accompaneis his Majestie sall sie the same." There cannot be remedy unless a small duty be levied from every cart-load and horse-load passing through the said town, and through the town of Prestoun Panes. Petitioner therefore craves permission to uplift such a duty. The Lords grant permission to petitioner to levy the duty following for three years, viz. :—of every horse-load of whatever goods, 2d.; of every cart-load, 4d.; of every ox or cow, 2d.; and of every ten sheep, 4d. An exception is made in favour of all "pan woode" carried through the town on horses or in carts. Fol. 249, a.

Continuation of the action of Lord Lindores against Leslie of Wardes.

The Lords continue to the first Council day after 20th January next the action of Patrik, Lord Lindores, and Johnne Mortymer, his servant, against Johnne Leslie of Wairdes, and William Leslie, his brother, concerning their threatening of the said Johnne Mortymer to make him deliver up the seal of Lord Lindoiris, the taking of the same from him, the locking of him in a chamber, and the keeping of him prisoner there for a night.

Continuation of another action of Lord

The Lords continue, to the first Council day after 20th January next, the action of the said Lord Lindoiris against the said Laird of Wardes for Fol. 249, b.

Decreta Mar. 1616–Jan. 1617.

suspension of a process of horning against the said Lord for non-appearance before the Council to answer the charge of "ryveing" a letter of tack. Lindores against the said Laird.

Commissions. Fol. 13, b.

Commission of the Peace for the Constabulary of Haddingtoun, to the Chancellor, the Archbishop of St. Androis, the Lords of the Privy Council and the Senators of the College of Justice, , Earl of Wyntoun, Thomas, Viscount of Fentoun, Johne, Viscount of Haddingtoun, Hepburne of Wauchtoun, Hammiltoun of Innerweik, Cokburne of Clerkingtoun, Sinclair of Hirdmestoun, Sir William Seytoun, knight, Mr. Patrik Hepburne of Smetoun, Sir Johnne Home of Northberuik, Patrik Douglas of Kilspindie, Hammiltoun of Prestoun, Fawsyde of that Ilk, Sir Robert Hepburne of Aulderstoun, Sinclair of Blans, Achesoun of Giffurd, George Broun of Colstoun, Waltir Ker of Fadounsyde, William Sydserff of Rouchlaw, Johne Cranstoun of Scaittisbus, Mr. George Butlair of Kirkland; the said Sir Johnne Home of Northberuik to be Recorder. Commission of the Peace for Haddingtonshire.

Sederunts. Fol. 142, a.

"Ane letter frome his Majestie concerning the Torwode delyverit to Mr. James Reoche." The Torwood.

Commissions. Fol. 13, a.

Dispensation addressed to the Sheriff of Edinburgh within the Constabulary of Hadingtoun in favour of Jeane, daughter of the late Sir William Home of Quhytelaw, knight, that, despite her minority, she be served as heir to her late father, without prejudice to the Crown rights. Given under the Signet, and signed by the Chancellor. 15th October 1616. Dispensation with the minority of Jean Home.

Acta Mar. 1615–Aug. 1617. Fol. 65, a.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Caithnes; Binning; Cranstoun; Privy Seal; Justice Clerk; Advocate; Medop; Sir James Skeene; Mr. Peter Rollock. Edinburgh, 30th October 1616.

"Forsamekle as divers personis suspect of Poperie and ressett of Jesuitis and trafficquing papistis being callit and convenit before the Heich Commissioun of the Kirk to haif answerit to sindrie pointis layed to thair chairge concerning thair relligioun and ressett of papistis, and thay being poised upoun thair oathe to declare the treuthe of materis whilkis wer to be demandit of thame concerning the premisis, thay being guiltye in thair awne conscience, and pretending that the geving of thair oathe and confessioun in that judgement wald infer aganis thame the guiltynes of crymes whilkis wald draw thair lyves and goodis in questioun yf at ony tyme thairefter thay wer persewed thairupoun in a criminall judgement, thay thairfoir refuisit to gif thair oathe, quhairby the treuthe of these materis hes bene obscured and concealed, and thay thairby encourageit to continew in thair erronious opinionis, upoun confidence of thair subtile and secreit meanes so to conceale thair offensis foirsaidis as no witnesis nor assisouris could preive thair guiltynes of the same nor interrupt thair bold practizing aganis the Estaite and the religioun; whairupoun monie inconvenientis may fall oute, withoute remeid be Act to obviate an objection to confess or plead guilty taken by persons called before the Court of High Commission for recusancy or reset of Papists.

Fol. 65, b.

providit: Thairfore, and for removeing of suche pretextis of excuisis and refuisall to gif oathe in materis so heichlie importing the religioun and Estaite, the Kingis Majestie, with advise of the Lordis of Secreit Counsall, declaris and ordanis that quhatsoevir persone or persones, being callit and convenit befoir the Heich Commissioun of the Kirk for heiring of messe or ressetting of Jesuitis, preistis, and trafficquing papistis or otheris crymes of the lyke nature, and, being requirit be the judgeis, sall gif thair oathe of veritie in ony of the saidis materis to be demandit of thame in that judgement, that the cryme or crymes quhairupoun thay sall gif oathe as said is sall nevir be layed to thair chairge in ony uther judgement, and that thay sall nevir be callit, convenit, nor accuseit thairupoun in ony uther judgement, nor na uther pane nor punishement salbe inflictit upoun thame bot wairding, confyneing, fynning, and suche other punishement as the Lordis and otheris of the Heich Commissioun sall by vertew of thair commissioun pronunce, decerne, and caus inflict upoun thame." Acta Mar. 1615–Aug. 1617.

Edinburgh, 30th October 1616.

[Sederunt as recorded above.] Decreta Mar 1616–Jan. 1617. Fol. 249, b.

Case of James M'Gown in Dumfries against Herbert Dickson and his son for assault.

Complaint by James M^cGowne, merchant burgess of Drumfreis, as follows:—Harbert Dicksoun, burgess of Drumfreis, and Johnne Diksoun, his son, lay in ambush with swords and edged "quhinyeairis" for pursuer on the High Street of the burgh between his house and his booth. They had the "quhinyeairis" drawn and hidden under their cloaks; and, as soon as pursuer approached, they attacked him, and gave him a deadly wound on the elbow of the left arm and elsewhere, so that he was bedfast for 20 days. Pursuer and defenders appearing personally, the Lords find that, though the said Johnne Diksoun struck pursuer on the arm with a "quhinyeair," it was after the said James M^cGowne had given him two or three blows with a baton on the head. They therefore assoilzie defenders from all fine, because pursuer gave the occasion for his own hurt; but, because defender took his revenge before he sought remedy by law, they order him to be committed to the Tolbooth and to remain there at his own expense during their pleasure.

Andrew Scott against Rossie Laing and her present husband in the matter of the custody of Margaret Johnston, daughter of the said Rossie by her former husband.

Complaint by Andro Scot, surgeon, burgess of Edinburgh, as follows: —Pursuer, who is tutor of Margaret Johnnstoun, daughter of the late Robert Johnnstoun, burgess of the said burgh, entered a process against Rossie Layng, mother of the said Margaret, and Alexander Glen, now her spouse, before the Lords of Council and Session, and obtained a decreet decerning them to deliver over the said Margaret to be educated and brought up by him. They obeyed; and the said daughter has been for two years under his care; but the said Margaret, who is now nearing her majority, has recently been taken away from him by defenders, and kept by them in obscure places, of purpose to make her chose curators of their own nomination.—Pursuer and defenders appearing personally, and the said Margaret being exhibited by the latter, the Lords order the said Margaret to remain with Johnne Fairlie, Bailie of Edinburgh, till Fol. 250, a.

Decreta Mar. 1616–Jan. 1617. Fol. 250, b.

they take further order in the matter. The said John Fairlie, having been sent for, has received the said Margaret. The Lords further order the said Andro Scot and Alexander Glen to find caution in 1000 merks each.

Herbert Dickson and others in Dumfries against William and James M'Gown there for riot and assault.

Complaint by Harbert Diksoun, burgess of Drumfreis, Jonet Heislop, his spouse, and Johnne and Thomas Diksoun, their sons, as follows:— On 8th August last, while the said Harbert and his two sons were repairing to the tolbooth of Drumfreis on their private business, Fol. 251, a. William and James M°Gowne, burgesses of Drumfreis, William Cunynghame, son of Harbert Cunynghame, provost of Drumfreis, Robert Hachell, Agnes Cunynghame, spouse of James M°Gowne, Agnes Corsane, spouse of William M°Gowne, Agnes M°Gowne, spouse of Robert Hachell, Johnne Kirkpatrik, customs officer, Johnne Johnnstoun, potter, and Issobell M°Gowne, his spouse, with others, all armed, went up to them at their own house in Drumfreis and committed an assault. Johnne Diksoun, pursuer, was struck twice on the head with a "squairit battoun," and he and his father and brother were then chased into their house, and besieged there till the noise called together the honest neighbours to their relief. The provost and bailies thereupon arrested the father and sons; who, while on their way to the tolbooth, were again attacked by defenders in presence of the magistrates. After pursuers had been committed to ward, the defenders returned to the house and attacked it with great "treis" and stones, and pressed to enter and slay the said Jonet Heislop. Thereafter Agnes Cuninghame, Agnes Corsane, and Katherine Cuninghame, spouse of Thomas M°Mollance, returned to the house, broke up the doors, and assaulted the said Janet. They "strak hir to the eard, ran upoun hir with thair feit, harlit hir be the hair throw the house out at the dure thairof to the Hie Gaite, and thair of new agane strak hir with handis and feit, and left hir lyand for deid, quhairof scho hes sensyne lyne bedfast." The provost and bailies still keep pursuers in the "pledge chalmer." By suffering the other parties to be at liberty, they have Fol. 251, b. behaved very partially.—Harbert Diksoun appearing for himself and his spouse, and his two sons also appearing, and William and James M°Gowne, Robert Hachill, and Johnne Johnnstoun appearing for themselves and their wives, and the said William Cunynghame being also present, but Johnne Kirkpatrik not answering the summons, the Lords find the charges of striking Johnne Diksoun with a baton, and the assault on Jonet Heislop, to be proven, and order the said James M°Gowne, as the principal party, to be committed to the Tolbooth of Edinburgh. Understanding that defenders have obtained a modification of the caution to be found by them in accordance with letters of lawburrows raised by pursuers, and seeing that they bear an evil will to pursuers, the Lords also order the caution to stand without diminution, notwithstanding the late modification granted by the Council.

John Johnston in Dumfries and his son

Complaint by Johnne Johnestoun, potter, burgess of Drumfreis, and James Johnnstoun, his son, as follows:—On a day in August last,

against Herbert Dickson and his sons for assault.

Harbert Diksoun, burgess of Drumfreis, Johnne and Thomas Diksoun, his sons, and Johnne Scot, "cordinair" there, having conceived a deadly hatred against pursuers, and learning that the said James Johnnestoun was to go to the Kirkgait on his father's business, agreed that Thomas Diksoun should lie alone in the most secret part of the way called the Mylnehoill, where few or none repair. As soon as the said defender perceived the approach of the said James, who was but a boy not over 12 years, the said Thomas rushed forth, "band ane gairtane about his craig, and, in the meantyme of his wirreing and murdering of the young boy, persaveing ane woman neirby, and feiring to be detectit, he took the boy and slang him in the mylne dame, quhilk is a fadome deip of watir." The boy would have been drowned, had not his cries called Jonet Chairtouris, who came and rescued him at the risk of her own life. Defender, fearing that the affair would be divulged by the father of the boy, arranged that on the 6th of August last the said Thomas and Johnne Diksoun should go to the Lochermos, where the said Johnne Johnnstoun was leading his peats. They went and assaulted pursuer in a cruel manner with batons till he was relieved by neighbours. When they returned home, their father Harbert called them "beistis," avowing with many horrible oaths that he should do himself what they had left undone. Thereupon he and his said sons, and Johnne Scot, went and lay in ambush for him in the way called Lochmaben Gait. They attacked him with batons, felled him at the first blow, cast him in a "vyld myre," tramped him therein, bruised him with their batons, and left him for dead. Pursuer would have perished, had not some friends taken him out, and carried him in blankets to his own house, where he lay bedfast and senseless for a long time.—Johnne Jonstoun appearing for himself and his son, and defenders being also personally present, the Lords find the charge of assault in the Lochmaben Gait proven, and order the said Harbert to pay a fine of £40 to the said Johnne Johnnstoun, and to be detained in the Tolbooth of Edinburgh at his own expense till he pay the same. They assoilzie defenders from the other charges.

Decreta Mar. 1616–Jan. 1617. Fol. 252, a.

Fol. 252, b.

Commission for the trial of John M'Ewne for theft.

Commission under the Signet, signed by the Chancellor, Sanctandrois, and Binning, is given to Alexander, Lord Levingstoun, to try Johne M^{c}Ewne in Backen within the barony of Callender, his tenant, whom he apprehended on October instant for stealing cattle and horses from various persons during some years past. Prisoner is also suspected of resset of theft.

Commissions. Fol. 14, a.

Commission for the trial of persons practising superstitions in the diocese of Moray.

Commission under the Signet, signed by the Chancellor, Sanctandrois, and Binning, to Alexander, Bishop of Murray, and the Bailie of the regality of Spynie and his deputies, to apprehend and try persons within the diocese of Murray for the contravention of certain acts of Parliament which prohibit "the hanting, frequenting, and useing of pilgramageis to chappellis, wellis, croces, and suche uther monumentis of idolatrie, and the observatioun of the festivall dayis of the Sanctis,

Fol. 14, b.

Commissions. somtymes named thair patrones, setting furth of banefyris, singing of carrellis within and aboute kirkis at certane seasonis of the yeir."

Sederunts. Fol. 142, a. "The quhilk day the Lord Berridaill wes relevit." Lord Berridale.

Minute Book. The *Minute Book of Processes* gives the following memoranda collectively for the month of October 1616 :—

Letteris against the Lairds of Closburn elder and younger for payment of Closburn elder his debtis.

Ryott : Nicoll Thoumes against Hendries.

Suspensione : Leslie against Leith.

Suspension : Lord Lindors against Johne Leslie.

Petition : Laird of Prestoun craving warrand to collect a custome for repairing of calsey of Prestoun.

Ryott : Mr. Patrick Shaw against Gavin Murray.

Suspension : Georg Spence against Johne Leith.

Letteris to charge William Crichtoun and the Lord Sanchquhar of the matteris debatable betuixt them.

Suspension : Andro Ker against Mr. Thomas Moir.

Ryott : Sir Johne Ker against Mr. Thomas Moir.

Ryott : Smaill and Mailling against Kinneir, &c.

Rebellion : Alexander Hoom against Alexander Logan.

Rebellion : Georg Lokhart against James Tenent.

Rebellion : Georg Currour against James Harvy.

Suspension : Grant and Fishie against Innes and her spous.

Rebellion : Robert Mason against James Sandilandis.

Rebellion : William Downie against Archibald Thomsone, &c.

Oppressione : James M^{c}Cullo against Lord Garlees.

Letteris : Andro Small against schireff-deputt of Fyf for imprisonment.

Decreit arbitrall betuixt the Laird Closburne elder and younger.

Ryott and oppressione : Hoome against Logan, &c.

Ryott : Adam Kirke against Gilbert Greir.

Letteris for keiping the peace betuixt Sir Johne Bruce and Baylie of Letham.

Ryott : Johne Hendrie against Nicoll and Georg Thoumes.

Letteris : David Craufurd, goldsmith, against certane persones whom he had imployed to fish pearles.

Letteris : William Hay, brother to Earle of Arroll, against the Magistratis of Edinburgh for being putt to liberty.

Letteris : Thomas Forrester against the magistratis of Haddingtoun to be putt to liberty.

Proces : Andro Scott against Rossie Layng for delyverie to him of Margret Jonstoun.

Ryott : M^{c}Gowne against Dicksones, *et e contra*.

Ryott : Jonstoun against Dicksones.

Edinburgh, 7th November 1616.

Sederunt—Chancellor; Mar; Wyntoun; Colvill; Binning; Privy Seal; Justice Clerk; Kilsyth; Advocate; Medop; Sir James Skene; Mr. Petir Rollok. Decreta Mar. 1616-Jan. 1617. Fol. 253, a.

Suspension of horning for Arthur Chalmers.

Complaint by Arthour Chalmer in the Kirktoun of Kynneir that he has been put to the horn wrongously, at the instance of Alexander Watsoun, messenger in Abirdene, for his non-appearance before the Council to answer a charge of assault. Pursuer was not lawfully charged; but, for obedience, he found caution for 100 merks, to appear this day, and to pay 10 merks for his escheat goods.—Pursuer appearing personally, and defender not appearing, the Lords suspend the said horning.

Suspension of horning for Nicolas and Alexander Ross.

Complaint by Nicolas Ros in Tarland, and Alexander Ros there, Fol. 253, b. that they have been charged wrongously, under pain of horning, to enter their persons in ward within the Tolbooth of Edinburgh for an alleged assault. The letters were issued because of their non-appearance before the Council. Pursuers stayed at home in order to gather in their corn, which was ripe and ready for shearing. They are poor yeomen and labourers of the ground, and pay a heavy ferm for the lands they occupy. For obedience they had come to Edinburgh and entered their persons in Fol. 254, a. the Tolbooth to be ready to appear before the Lords; but the said Johnne was not ready to pursue them, nor would he appear to do so so long as they lay in prison, thinking that his absence would be an argument to the Lords to hold them still in ward. Pursuers have moreover come now at great inconvenience, because the corn is yet standing unled and unstacked and mostly unteinded; nor can anything be done till they are at liberty; and the Lords know the season is now inconstant and the weather likely to break. They had found caution for 300 merks to appear this day.—Pursuers appearing personally, and defender not appearing, the Lords suspend the said horning.

Caption against William Dunbar of Hempriggs and another for debt.

Complaint by Mr. Robert Stratoun of Strauch, assignee of Thomas Fol. 254, b. Wentoun, burgess of Edinburgh, that George Brodie in Lochhillis and William Dumbar of Hemprigis remain unrelaxed from a horning of 31st August last for not paying these sums:—the said George Brodie, £8 for each boll of 26 bolls of "cheritit beir"; and the said William Dumbar, £5, 13s. 4d. for each boll of 35 bolls of "cheritit beir," and £4, 6s. 8d. for each boll of 35 bolls of "cheritit aitis."—Pursuer appearing by Alexander Balmanno, his procurator, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use.

Caption against John Wishart of that Ilk for debt.

Complaint by Johnne Hereot, tailor, burgess of Edinburgh, that Johnne Wischart of that Ilk remains unrelaxed from a horning of 15th June last for not paying 500 merks of principal and 100 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard as above.

ecreta Mar. 16–Jan. 17. ol. 255, a.

Thomas Baillie of Litle Dunragat appears, and gives in letters of suspension, raised by James Gordoun of Butill, brother of Sir Robert Gordoun of Lochinvar, knight, by which he was charged to appear this day and bring the letters of lawburrows whereby the said James was ordered to find caution for the indemnity of the said Thomas under the pain of 3000 merks. The said James Gordoun not appearing, the said Thomas protests that the letters of suspension shall be cancelled, and the caution shall stand as before; and the Lords admit the protest.

Protest in favour of Thomas Baillie of Little Dunragit.

ol. 255, b.

Complaint by Harbert Diksoun, burgess of Drumfreis, as follows:— On 21st July last, pursuer met Johnne Johnnstoun, potter in Drumfreis, on the High Street of Drumfreis, and in a friendly and loving manner requested him to admonish his sons to forbear from breaking honest men's yards, as one of them had broken into pursuer's orchard on the previous night and had "spoyled" one of his best trees. "The said Johnne, oute of the pride and folie of his hairt disdaneing that the said complenair durst presome to find fault with ony thing his sones did, he in a grite raige moist dispytefullie with his fauldit neive gaif the said complenair a grite stryke upon the face, and almaist fellit him." Pursuer bore this outrage, and resolved to have it punished by the ordinary course of law. Defender, however, thinking that his patience proceeded from lack of courage, went, armed with a sword, &c., by way of hamesuckin to pursuer's house on 5th August last,—"quhilk wes the day of his Majesteis happie deliverie frome Goureis treasoun, and appointit to be keipit with publict and solemne thankisgeving to God"; and, "without respect or regaird had be him to the observatioun of the said day, and resolveing so fer as in him lay to have disturbit the toun, to have reasit a disordour and tumult within the same, and sua to have stayit the nichtbouris fra thair ordinair forme of thankisgeving and frome thair mirth and pastyme efter the sermone, he stayit a long tyme about the said complenairis duris making provocatioun to him selff and his bairnis, and resolveing to have slane thame gif thay had come furth. And he could not be muvit to go fra the said complenairis duris quhill that Stevin Lowrie, ane of the bailleis of the said burgh, come, and upoun the said complenairis complaint commandit him to depairt." On the morning after, defender attacked him at his door with a sword, and would have slain him, had pursuer not taken the sword from him.— Pursuer appearing personally, and defender being also present, the Lords assoilzie defender, who has denied all the charges on oath.

Herbert Dickson, burgess of Dumfries, against John Johnston, potter there, for assault: defender assoilzied.

Fol. 256, a.

Complaint by Lauchlane M^cClayne of Torloisk, as follows:—The Lords having written to Hector M^cClayne of Dowart, his brother, and to pursuer, to repair to them to receive some communication, they had obeyed; and pursuer, "for sic occasionis as movit thame," was incarcerated in the Castle of Edinburgh, where he now remains. "And, the said complenair being ane Ilisman far distant fra his native cuntrey, the said Hectour M^cClayne transactit and aggreit with the said complenair (becaus he had no meanis to interteny him with) that he sould renunce

Lauchlan MacClean of Torloisk against Hector MacClean of Duart, for non-fulfilment of an agreement.

and gif over to his said bruther all richt and title, alsweill heritable as possessour, quhilkis the said complenair had to twenty-four merk landis lyand in Mull, and that his said bruther sould furneis and interteny him during the haill tyme that he sould be in waird and remane in the Laichlandis." Defender has failed to implement his bargain, and has refused to pay for complainer's entertainment to the master porter since his coming out of the Castle about eight weeks ago. The master porter will provide him with nothing; and he has neither means nor credit.—Pursuer appearing personally, and defender being also present, the Lords assoilzie defender, who has denied the charge on oath. Decreta Mar 1616–Jan. 1617.

Protest in favour of the Laird of Grant.

James Logie, agent, indweller in Edinburgh, appears as procurator for Johnne Grant of Freuchie, and gives in letters, raised at the instance of Patrik Dalgarno in Calskieberrie, by which the said Johnne was charged to appear on a day gone by, and exhibit James Grant in Delnabo, Patrik Grant, son of Donald M°Allaster in Glenlochie, and Allaster Grant in Gnawleck, his alleged tenants and servants, who are at the horn for the theft of a horse belonging to the said Patrik out of the forest of Murevandiche.—The said Patrik not appearing, the Lords admit the protest of pursuer that the process against him shall be stayed. Fol. 256, b.

Decreet arbitral between Lindsay of Auchinskeoch and Lindsay of Fairgirth.

This day appear personally Johnne Lindsay of Auchinskeoch, James Lindsay, his son, Johnne and James Lindsay, sons of the said James, for themselves and taking the burden on them for Achilles Lindsay also son of the said James, and for Johnne Broun of Lochhill, Johnne Broun of Shanelie, and friends, on the one part, and James Lindsay of Fairgirth, for himself and taking the burden on him for Johnne, William, and Robert Lindsay, his sons, and Hew Lindsay, his brother, and friends, on the other part, and submit the settlement of the feud standing between them to the Lords of Privy Council (*ante*, p. 639). The Lords accept the submission, and, being loth to weary the parties with long and unnecessary attendance, proceed to settle the terms as follows:—"Undirstanding perfytlie, alsweill by constant and cleir informatioun as by oculair inspectioun, that the said James Lindsay, oy to the said Johnne Lindsay of Auchinskeoch, is cruellie hurte and woundit in suche soirte as he is altogidder maid unable to gang upoun his feit without the help of stiltis,—quhilk hurte and woundis wer gevin unto him be the said James Lindsay of Fairgirth and his bairnis,"—therefore they order the said James Lindsay of Fairgirth to pay 2000 merks to the said James Lindsay, "oy" of the said Johnne Lindsay of Auchinskeoch. They order both parties to appear personally, and to bring the others above-written, on the first Tuesday of February next, and that the said sum be then paid and a full reconciliation effected in their presence. In the meantime they order the said James Lindsay of Fairgirth and Johnne Lindsay of Auchinskeoch to find caution in 5000 merks each to keep the peace. Fol. 257, a. Fol. 258, a.

George Currour against Andrew and James Hervie.

In the continued action of George Currour of Swalend, David Currour, fiar thereof, and Cristeane Currour, daughter of the said George, and

Decreta Mar. 1616–Jan. 1617.

spouse of the said David, against Andro Hervie, elder of Elrik, James, Andro, and George Hervie, his sons (*ante*, p. 641), pursuers appearing by Waltir Hay, their procurator, and the said James Hervie being personally present, the Lords assoilzie the said James Hervie from the charges, because he has denied them on oath.

Fol. 258, b.

Sederunt—Chancellor; Linlithgow; Binning; Bugcleuch; Burlie; Privy Seal; Justice Clerk; Advocate; Kilsyth; Medop; Sir Andro Hammiltoun; Sir James Skeene; Mr. Petir Rollok. Edinburgh, 12th November 1616.

Caption against Andrew Home for debt.

Complaint by Mark Home in Chirnesyde that Andro Home, portioner of Simprene, remains unrelaxed from a horning of 31st July last for not paying £623 for the "violent corne proffeitis" of the lands of Boltoun for 1614 and £20 of expenses of plea and £5 of collector's fee.—Pursuer appearing personally, and defender also [? not] appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 259, a.

Mr. George Semple, minister at Killillane, against Patrick Fleming and others.

In the action against Patrik Flemyng, apparent of Barrochane, William Birsbane, son of Mathew Birsbane of Roisland, Thomas Rid, Johnne Jamesoun, son of Andro Jamesoun in Haddokstone, Mathew Dik, Patrik Flemyng in Ryla, and others, by Mr. George Semple, minister at Killillane (*ante*, p. 618), defenders having been released from the Tolbooth after finding caution to appear this day, the Lords order them to pay a fine of 200 merks to pursuer, and not to leave Edinburgh till they have done so.

Sederunts. Fol. 142, b.

Four Gypsies released on condition of perpetual banishment.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie John Fa, James Fa, his sone, and Moysie Baillie, and actit and oblist thame that thay and Helene Broun, presentlie prisonneris in the Thevis Hoill of Edinburgh, sall depairt and pas furth of this kingdome within the space of fyfteene dayis after the date heirof, and that thay sall nevir returne agane within the same, under the pane of deade. And, in respect of this present act and oblisment, the saidis Lordis, according to his Majesteis warrand and directioun in write send unto thame, ordanis the Provest and Baillies of Edinburgh to putt the saidis personis to libertie and fredome and suffer thame pas quhair thay pleis."

Gypsies and their resetters.

"Ane act aganis Egiptianis and thair ressettaris." [*See next entry.*]

Acta Mar. 1615–Aug. 1617. Fol. 65, b.

Sederunt—Chancellor; Lynlithgow; Binning; Bugcleugh; Burley; Privy Seal; Justice Clerk; Advocate; Kilsyth; Medop; Sir Andro Hammiltoun; Sir James Skene; Sir Andro Ker; Sir Peter Rollock. Edinburgh, 14th November 1616.

Proclamation for renewing the proceed-

"Forsamekle as, albeit the Kingis Majestie, with advise of the three Estaitis of this realme convenit in the Parliament haldin at Edinburgh

ings for the extermination of the Gypsies ordered by the Act of Parliament of 1609, and penalties for the reset and protection of Gypsies by landed gentlemen and others.

in the moneth of Junij the yeir of God j^{m}vj^{c} and nyne yeirís, did straitlie command and ordane the vagaboundis, soirnaris, and commoun thevis commounlie callit Egiptianis to have depairtit and past furthe of this realme betuix and the first day of August nixt thairefter following, under the pane of [rebellioun], with certificatioun to thame and thay failyed, the said day being bypast, [that] all of thame, alsweill men as weemen, sould be takin, apprehendit, and [exe]cute to the dead as commoun, notorious, and condempnit thevis, and [that] thay sould onlie be tryed be ane assyse that thay ar callit, knawin, [repute], and haldin to be Egiptianis, as in the said act of Parliament, cont[ening] ane expres prohibitioun and dischairge to all his Majesties lieges and [sub]jectis in no caus to ressett, supplee, ressave, or interteny ony of the saidis theivis and lymmaris efter the day foirsaid, at lenth is contenit; notwithstanding quhairof it is of treuthe that,—the theivis and lymmaris . . . . haveing for some shorte space after the said Act of Parliament . . [and dis]persit thame selfis in certane derne and obscure placeis of the cuntrey [quhair] thay wer not knawne to wander abroad in troupis and companies [according] to thair accustomed maner,—yitt shortlie thairefter, finding that the . . . . of the said act of Parliament wes neglectit, and that no inquirie nor . . . . . wes maid for thame, thay begane to tak new breth and courage, [and to] unite thame selffis in infamous companies and societies under [capitanes and] commanderis, and continuallie sensyne hes remanit within the [cuntrey com]mitting alsweill oppin and avowed reiffis in all pairtis [quhair thay ar] maisteris as previe stouthis and pyckeries quhair thay may not be maisteris; and thay do shamefullie and mischantlie abuse the simple and ignorant people by telling of fortunes and useing of charmes, and a nomber of jugling trikis and falsettis unworthie to be hard of in a cuntrey subject to religioun, law, and justice; and thay ar encourageit to remane within the cuntrey and to continew in thair thevishe and jugling trickes and falsettis, not onlie throw default of the executioun of the said act of Parliament, bot, whilk is worse, that grite nomberis of his Majesties subjectis, of whome some outwardlie pretendis to be famous and unspotted gentilmen, hes gevin and gevis oppin and avowed protectioun, ressett, supplie, and mantenance upoun thair ground and landis to the saidis vagaboundis, soirnaris, and condampnit thevis and lymmaris, and sufferis thame to remane dayis, oulkis, and monethis togidder thairupoun without controlement, and with connivence and oversicht to all stouthis, robries, and other juglingis whilkis thay committ in the boundis circumjacent; quhairby, as thir undewtifull subjectis, ressettaris and suppleairis of the saidis lymmeris, do testifie befoir God and the warld, that in hairt, consent, and opinioun thay ar favoraris of the saidis lymmaris and condampnit theivis and allowairis of thame in all thair thevish and wicked doingis, so thay do leave a foull, infamous, and ignominious spott upoun thame, thair housis, and posteritie, that thay ar patronis to theivis and lymmaris: And whereas the houpe of impunitie

Acta Mar. 1615-Aug. 1617.

Fol. 66, a.

Acta Mar. 1615–Aug. 1617.

apprehendit be thir shameles ressettaris of the saidis theivis encourageis thame, without feare of God, reverence of the law, or shame of the world, to continew in thair unlauchfull ressett and favouring of the saidis lymmaris, and consequentlie emboldnes thame in contempt of his Majestie his lawis to remane within the cuntrey. Thairfoir the Lordis of Secrite Counsall hes resolvit no langer to oversee this proud contempt of his Majesties auctoritie, nowther in the one nor the other, bot examplarlie to punishe the same; and for this effect ordanis letteris to be direct to officeris of armes chargeing thame to pas to the mercat croceis of the heade burrowis of this realme and otheris placeis neidfull, and thair be oppin proclamatioun to mak new publicatioun of the said act of Parliament, and to command, charge, and inhibit all and sindrie his Majesties liegeis and subjectis that nane of thame presoome nor tak upoun hand to ressett, supplee, nor shaw favour to the saidis theivis and lymmaris callit Egiptianis, nor to suffer thame hant, resort, remane, nor abyde upoun thair ground and land, bot that thay hunt, follow, and persew thame as theivis, soirnairis, traytouris, and condampnit lymmaris, ay and quhill thay be apprehendit and punist accordinglie, certifeeing thame that sall failyie or do in the contrair that they salbe repute, haldin, and estimate as supplearis, ressettaris, and favouraris of commoun and condampnit thevis, and as assistaris and partakairis with thame in thair evill deidis, and salbe persewit and punist for the same with all rigour. And, to the effect that all pretext of excuise may be tane fra his Majesties saidis subjectis for not putting of the said act of Parliament to executioun aganis the saidis thevis and lymmaris, the saidis Lordis, according to the tennour of the said act of Parliament, hes maid and constitute, and be the tennour heirof makis and constitutis all our Soverane Lordis good and lauchfull subjectis his Majesties justiceis in that pairt to the effect underwrittin, with full power to thame to search, seik, and apprehend and committ to wairde all theivis and lymmaris, men and weemen, callit Egiptianis, and to caus justice be ministrat upoun thame conforme to the said act of Parliament; and for this effect justice courtis to sett, begin, affix, hald, and continew, suitis," &c., &c. [as in other commissions of justiciary].

L. 66, b.

Charge to Lundie of Balgonie to desist from building a mill on a part of the Water of Leven the ownership of which is disputed between him and Lady Bass, and to the said Lady to desist from forcible opposition to the said building:

"Forsamekle as the Lordis of Secreit Counsall ar informit that, Lundy of Balgony pretending to big ane milne upoun some pairt of the watter of Levin questionable betuix him and Dame Hepburne, Lady Bas, and to cast dammis, leadis, and wattergangis for the said miln, he, for the accomplisheing of his purpois and resolutioun in that pointe, hes convocate his kin, freindis, and suche as will do for him, in armes; lyke as the said lady, for withstanding and resisting of his proceidingis in that worke, hes maid the lyke convocatioun of his Majesties liegeis in armes; and ather of thame ar lyand at awaite to tak thair advantage of otheris, whairupoun grite inconvenientis ar lyke to fall oute, to the break of his Majesties peace and disquieting of the cuntrey, without remeid be providit: Thairfoir the Lordis of Secreit

with order to both parties to appear before the Council for order-taking in the said matter.

Counsall ordanis letteris to be direct chairgeing bothe the saidis partyis to dissolve thair forceis, yf ony be assemblit or gadderit be thame, within sex houris nixtefter the said chairge, and to desist and ceis fra bigging and withstanding the bigging of the said milne, making of dammes, and casting of leadis, and fra doing of ony other thing tending to the disturbance of peace and quietnes of the cuntrey; bot to suffer the saidis workis to stay and rest till the saidis Lordis tak ordour betuix thame for the peace of the cuntrey, under the pane of rebellioun, &c.; and, yf thay or onie of thame do in the contrair, to denunce, &c. And to command and chairge bothe the saidis pairtyis to compeir personallie before the saidis Lordis upoun the nynteene day of November instant to answer to the premisis, and to underly suche ordour as salbe tane thairanent, under the pane of rebellioun, &c., with certificatioun, &c." Acta Mar. 1615–Aug. 1617.

Edinburgh, 14th November 1616.

[Sederunt as recorded above.]

Decreta Mar 1616–Jan. 1617. Fol. 259, a.

Caption against James Tweedie of Dreva, at the instance of Mr. Alexander Row, minister of Stobo.

Complaint by Mr. Alexander Row, parson and minister of Stobo, that James Twedy of Dreva remains unrelaxed from a horning of 20th May last for not paying 250 merks "for the beltane termes payment of his stipend lastbypast."—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Edinburgh, 19th November 1616.

Sederunt—Chancellor; Mar; Wyntoun; Lynlithgow; Binning; Bugcleuch; Burlie; Cranstoun; Privy Seal; Justice Clerk; Advocate; Kilsyth; Bruntiland; Medop; Sir Andro Hammiltoun; Sir James Skene; Sir Andro Ker; Mr. Petir Rollok. Fol. 259, b.

Caption against Gordon of Gicht for debt.

Complaint by George Oisteane, tailor, burgess of Edinburgh, assignee of Harie Wood of Bonytoun, that George Gordoun of Geycht remains unrelaxed from a horning of 3rd September last for not paying 4000 merks, as part of 30,000 merks owing to the said Harie for the alienation of certain lands, together with £10 of expenses and £5 of collector's fee.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Protest in favour of George Anderson of Woodside.

George Andirsoun of Woodsyde appears in answer to a summons raised by Johnne Galbraith, merchant burgess of Glasgow, concerning his alleged going to pursuer when within his own close in Glasgow, and saying "gif he and all his kin wer hangit, he sould come thair thrise everie day"; his going with accomplices, on 18th March last, to pursuer's house, walking before the gate, and saying that they were come to perform their promise; and his waiting for pursuer all that day at his back gate, and then assaulting him.—The said Johnne Galbraith not appearing, the Lords admit the protest of pursuer that he be not held to answer further to the said letters. Fol. 260, a.

Decreta Mar. 1616–Jan. 1617. Fol. 260, b.

Caption against David Livingston, younger of Dunipace, for debt.

Complaint by Robert Pitersone, bailie and burgess of Couper in Fyff, assignee of Duncane M^cQuene, burgess of Perth, that David Levingstoun, apparent of Donypace, remains unrelaxed from a horning of 7th October last for not paying £315, 9s. 10d. of principal and £60 of expenses. —Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Dispute between Balgonie and the Lady Bass.

Anent the controversy between Robert Lundy of Balgony, and Dame Issobell Hepburne (*ante*, p. 657), both parties appearing personally, the Lords order each of them to find caution within 48 hours in the sum of £5000 for keeping the peace.

Sederunts. Fol. 143, a.

Import and sale of tobacco

"Commissioun past to Capitane Murray for selling and homebringing of tobacco for xxj yeiris."

Acta Mar. 1615–Aug. 1617. Fol. 66, b.

Edinburgh, 21st November 1616.

Sederunt—Chancellor; Mar; Wyntoun; Lynlithgow; Binning; Bugcleugh; Burley; Cranstoun; Master of Elphinstoun; Privy Seal; Justice Clerk; Advocate; Kilsythe; Medope; Bruntyland; Sir Andro Hammiltoun; Sir James Skeene; Sir Andro Ker; Mr. Peter Rollok.

Charge in the matter of the quarrel between the Lairds of Lundie and Largo.

The Lords, understanding that there is matter of quarrel between Lundie of that Ilk, Sir James Lundye, his uncle, and James Lundie at Balcormo, on the one part, and Andro Wode, younger of Largo, and Henry [M^cKie]soun in Largo, on the other part, order parties to find caution for keeping of the peace, the said Lairds [of Lundie] and Largo in 2000 merks each, and the said James Lundy and Henrie M^cKiesoun in 1000 merks each.

Decreta Mar. 1616–Jan. 1617. Fol. 261, a.

[Sederunt as recorded above.]

Edinburgh, 21st November 1616.

Caption against James Moncreiff of Tillimillis for debt.

Complaint by Andro Andirsoun, merchant burgess of Perth, that James Moncreif of Tyllimilleis remains unrelaxed from a horning of 14th July 1614 for not paying to pursuer, as assignee of Johnne Stewart, merchant burgess of the said burgh, 280 merks of principal and £20 of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

ol. 261, b.

Protest in favour of Patrick Jeffrey and others.

Patrik Jaffray in Lairme and George Fraser in Corskye appear for themselves, and for James Fraser, servitor to the Laird of Muckall, and Alexander Forbes in Carneday, in answer to a summons raised by Williame Williamsoun and Johnne Walker, on 1st November instant, to appear this day, and exhibit pursuers, that they may be put to liberty by the Lords.—The said William Williamsoun and Johnne Walker not appearing in person or by procurator, the said defenders

protest that they shall not be held responsible any further, and that their expenses shall be paid; and the Lords admit the protest. Decreta Mar. 1616–Jan. 1617.

Caption against Wishart of Logywishart for debt.

Complaint by Thomas Mortymer of Flemingtoun that Johnne Wischart of Logywischart remains unrelaxed from hornings of 26th and 27th July last for not paying £160 of principal and £40 of expenses, and also for not relieving pursuer at the hands of Robert Gairdin, brother of the Laird of Leyis, of the payment of 1240 merks of principal and 200 merks of expenses, and for not paying the ordinary annual and profit of the above sums at 10 per cent., amounting to 240 merks.—Pursuer appearing by James Hervie, writer, his procurator, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Fol. 262, a.

Mr. David Williamson, minister of Inneraritie, fined for assault.

Complaint by Thomas Kyninmonth, keeper and forrester of the wood of Innerraritie, as follows:—On 26th July last Mr. David Williamsoun, minister at Innerraritie, and Henry Buackis, his servitor, went to the lands of , where pursuer was, and attacked him with batons. They broke a baton over his head, knocked him to the ground, took away his "quhinyeair," and wounded him in the hand; "quhilk insolence, however inexcusable in the persone of ony, [is] yit most intollerable in the persone of a minister, who by his quiet lyff and modest behavioure sould be ane example of peace to all utheris."—Pursuer and defenders appearing personally, the Lords find that the said Mr. David attacked pursuer with a white wand, and order him to pay pursuer a fine of £8.

Edinburgh, 26th November 1616.

Sederunt—Chancellor; Bishop of St. Androis; Hammiltoun; Mar; Bishop of Ros; Binning; Master of Elphinstoun; Privy Seal; Justice Clerk; Advocate; Kilsyth; Bruntiland; Medop; Sir James Skene; Mr. Petir Rollok. Fol. 262, b.

Suspension of horning for Donald MacQueen of Corriburgh.

Complaint by Donald M^{c}Quene of Corriburgh, that he is put to the horn wrongously, at the instance of James, Earl of Murray, and the King's Advocate, for not appearing before the Council to answer a charge anent his giving assistance to Lauchlane M^{c}Intosche of Dunnauchtane in discharging the said Earl's tenants to accompany his brother-in-law, George, Lord Gordoun, to Badinoch and Lochaber to hold justice courts; and for assaulting Angus M^{c}Allaster, officer of the said Earl. As pursuer was never lawfully summoned, but for obedience had found caution in £500 to appear this day, and for £40 for his escheat goods, he craves suspension of the horning.—Pursuer appearing personally, and the Earl of Murray being also present, the Lords, with consent of the Earl, do suspend the process.

Edinburgh, 28th November 1616.

Sederunt—Chancellor; Mar; Glencairne; Binning; Burlie; Master of Elphinstoun; Privy Seal; Justice Clerk; Advocate; Kilsyth; Sir Andro Hammiltoun; Bruntiland; Medop; Sir James Skene; Sir Andro Ker; Mr. Petir Rollok. Fol. 263, b.

Decreta Mar. 1616-Jan. 1617.

Gawne Henderson against John Jerdane of Balgray and others for assault.

Complaint by Gawne Hendirsoun in Balgray, that, on a day in September last, having gone to the town of Apilgirth, he was there attacked by Johnne Jerdane of Balgray, Alexander Jerdane, brother of Johnne Jerdane of Apilgirth, and Johnne and James Maxwell, sons of the late Robert Maxwell in Castelmilk, who with drawn swords wounded him in the head and other parts.—Pursuer appearing personally, and defenders not appearing, the Lords order defenders to be denounced rebels.

Fol. 264, a.

The Laird of Mackintosh for reduction of an action raised against him by the King's Advocate, Cumming of Altyre, and others, requiring him to produce tenants of his at the horn for slaughter, fire-raising, &c., done in the course of the feud many years ago between the Marquis of Huntly and the Earl of Murray: history of that feud rehearsed, and the Act of Indemnity of 1597 for crimes done in the course of it pleaded in bar of the action against the Laird of Mackintosh: the Lord Advocate desists from the prosecution, and the Lords sustain the plea of the Laird.

Complaint by Lauchlane M^{c}Intosche of Dunauchtane, as follows:—"He is burdynnit and chairget be virtew of letteris and actis of Counsaill reasit at the instance of Sir Williame Oliphant of Newtoun, knycht, his Majesteis Advocat for his interesse, and at the instance of Alexander M^{c}Ilvaird at the Mylne of Dolles, Williame M^{c}Conochie in the Maynis of Dolles, George Finla in the Leonoch, Johne M^{c}Angus thair, Marioun Hay for hir selff and as relict of umquhill Johnne Clerk in Carveny within the barony of Dolles, William Clerk, also for him selff and as sone to the said umquhill Johnne and Thomas Kennedy of Blakhillis, and be James Cuming of Alter as master to the said tennentis of the landis and barony of Dolles, to bring, present, and exhibite before the Lordis of Secrite Counsaill certane personis, his men, tennentis, and servandis,—as, namelie, Johnne M^{c}Conell M^{c}Eane in Danoch and Allane M^{c}Eane Dow M^{c}Ronnald in Badynoch,—who ar alledget to be denuncit rebellis and at the horne for some slauchteris, fyre raisingis, reiffis, and heirschipis committit be thame upoun the saidis tennentis of the landis and barony of Dolles the tyme of the troubles betuix the Marques of Huntlie and James, Erll of Murray, thair kin and freindis; and in this persute and actioun the saidis Lordis intendis to grant proces aganis the said complenair, althocht it be of veritie that the Kingis Majestie, by his decrite and sentence arbitrall gevin and pronuncit upoun that submissioun quhilk the said Marques of Huntlie and Erll of Murray, for thame selffis and takand the burding on thame for thair kin, freindis, men, tennentis, servandis, assistairis, dependairis, and pertakeris, maid to his Majestie, have dischairgeit and decernit both the saidis pairteis, for thame selffis, and takand the burdyne on thame as said is, to dischairge and frelie and *simpliciter* to remitt, renunce, and forgif all slauchteris, bludschedis, fyre raisingis, reiffis, heirschippis, spuilyeis, and depredationis quhilkis fell out and wer committit betuix the saidis pairteis and thair foirsaidis during the tyme of the said troublis or upoun occasioun of the same, togidder with all actioun and caus criminall and civile competent to thame or ony of thame, and all decritis following or may follow thairupoun, as the said decrite beiring dait the xxij day of Februair 1603 yeiris actit in the buikis of Secrite Counsaill beiris. As alsua his Majestie, with advise of his Thrie Estaitis convenit in the Parliament haldin at the burgh of Edinburgh the yeir of God j^{m}v^{c} fourscore sevintene yeiris, upoun mony good respectis and considerationis tending to the intertenying of his Heynes peace amongis his subjectis, and for removeing of all stryff, debait, and actionis quhilkis micht aryse amongis thame for thingis done

and committit within the tyme of the said fead and upoun occasioun of the same, statute and ordanit, decernit and declairit, that all slauchteris mutilationis, bloodshedis, distructioun and dimolischeing of housis and biggingis, plantingis and policeis, spoilyeis, reiffis, oppressionis, fyre raisingis, depredationis, and all utheris crymes, offensis, wrangis, factis, deidis, and interpryses, done, committit, or assistit be ony of his Majesties leigeis and subjectis aganis the said Marques of Huntlie and the otheris personis in whose favour the said act of Parliament wes consavit, thair kin, freindis, men, tennentis, servandis, assistaris, dependairis, and pertakeris, or aganis ony of thair housis, landis, rentis, policeis, goodis, and geir, be occasioun of the saidis troublis following or depending thairupoun, with all actionis criminall and civile, and all sequellis, dependenceis, and consequences of the same since the first day of Maij 1592, sould be in all tyme thairefter, and by auctoritie of the said Parliament, declairit to be extinct, expyrit, remitit, dischairget, abolischet, awaytane, bureyed, and put in perpetuall oblivioun *simpliciter* and for evir, and that no actioun nor executioun sould be movit, intentit, usit, nor follow thairupoun any maner of way aganis ony of his Majesteis leigeis, thair airis, executoris, nor successoris in tyme comeing; as the said act of Parliament mair fullie proportis. And trew it is that the slauchteris, heirschipis, and wrangis committit upoun the Laird of Alteris tennentis for the tyme of his landis and barony of Doles wer done and fell oute in the verie meantyme of the troublis foirsaidis betuix the said Marques of Huntlie and Erll of Murray and upoun occasioun of the same, and the personis committairis thairof wer tennentis, servandis, followairis, and dependairis upoun umquhill Lauchlane M^cIntosche of Dunnauchtane, guidschir to the said complenair, who, as is weill knowne to the Lordis of Secrite Counsaill and to the haill cuntrey, wes ane of the cheif and principall personis who joyned in that feid on the pairt of the Erll of Murray, and who did prosequute and follow oute the same by his haill pouer, moyen, freindschip, and strenth to the uttermost of his possibilities, ay and quhill the same wes removit and tane away be the decrite and sentence foirsaid. And he wes the speciall persone aganis whome the said Marques in his revenge extendit his pouer, force, and strenth, and who committit grite slauchteris, fyre raisingis, heirshippis, and depredationis upoun the said complenairis said guidschir, his clan and cuntreyis, as is notourlie knowne. Lyke as it is also of veritie that umquhill Cuming of Alter, father to the said Cuming, now of Alter, and Alexander Cuming, his eldest sone, wer neir freindis and kynnismen to the said Marques of Huntlie, and assistit, followit, and tooke plane pairt with him in the fead foirsaid, and in all the plottis, hasardis, adventuris, invasionis, and executionis quhilkis wer committit be the said Marques of Huntlie in that fead he wes evir accumpaneid be the said Laird of Altir or his sone,—the said Laird of Alter haveing reasoun to joyne with the said Marques, in respect of the blood, freindschip, and allya standing betuix thame, the Lady Altir for the tyme

Decreta Mar. 1616–Jan. 1617.

Fol. 264, b.

Fol. 265, a.

Decreta Mar. 1616–Jan. 1617.

(who wes mother to the said Laird of Alter) being suster to umquhill Sir Thomas Gordoun of Cluny, knycht, neir kynnisman to the Marques of Huntlie, and quhais bruther, callit Johnne Gordoun of Birsmoir, persewit the Erll of Murray and assedgeit him in the house of Tarnewa; at the quhilk assedge the said Johnne Gordoun wes slane, quhilk slauchter wes the occasioun of all the fead. As namelie the said Laird of Alter for the tyme, or his said eldest sone, at the least a nomber of thair tennentis and servandis be thair speciall causing, command, directioun, and hounding out, assistit and come in company with the said Marques, bodin in feir of weir, aganis the said Erll of Murray for the tyme to the raid of Tarneway, quhair Johnne Gordoun of Birsmoir wes schote; and, immediatlie after he wes schote, he wes convoyit fra Tarneway be a nomber of the said Laird of Alteris servandis to the place of Alter, quhair he depairtit this lyff. As alsua the said Alexander Cuming, eldest sone to the said Laird of Alter, being xxij yeiris of aig or thairby, accompanied with a grite nomber of his fatheris men, tennentis, and servandis, all in hostile and weirlyke maner, come in company with the said Marques, assistit and tooke pairt with him in the slauchter, fyre raising, and heirschip of Pettie, being the said complenaris guidschiris landis and possessioun for the tyme, and inhabite be a nomber of his clan, freindis, followaris, tennentis, and dependairis. And the said young Laird of Alter, accompaneid with a nomber of his fatheris tennentis, gaif the lyke personall assistance and concurrence to the said Marques at the intaking of the castell of Innernes, quhilk wes than keipit be the said complenairis said guidschir and freindis; and at the heirschip of Derey; and, in revenge and reparatioun of the said slauchter and heirschip of Pettie, whereat young Alter was a personall actour and assistair as said is, accompanied with a nomber of his fatheris tennentis, the slauchter and heirschip of Dolles, for the quhilk the said complenair is now burdynit and troublit, althocht he wes not borne at that tyme it fell oute. Quhilk heirschip of Pettie commitit on the said complenairis guidscir and his clan haif nevir bene wakned be thame, nor haif thay evir socht ony kynd of releif or reparatioun for the same, bot in all reverence thay haif acquiescit to the decrite and sentence foirsaid. And, seing the said Laird of Alter, his sone, tennentis, and servandis for the tyme wer speciall assistairis, airt and pertakeris, with the said Marques of Huntlie in the fead foirsaid, and in all the executionis, persutis, and adventuris and invasionis quhilkis happynnit and fell out in the same feid, at the least in ane of uther of thame,—as namelie in the heirschip and insolence committit at Petty and Terrey, and at the intaking of the said castell of Innernes, and at the raid of Tarneway: thairfore thay, as kynnismen, freindis, assistairis, and pertakeris with the said Marques and

fol. 265, b.

the slauchteris, heirschipis, and wrangis committit upoun thair tennentis of Dolles, quhilk is alledgeit to have bene done in the moneth of

the yeir of God j^{m} yeiris, aucht not onlie to be comprehendit undir and within the submissioun and decrite foirsaid and generall

dischairge and abolitioun of wrangis specifeit in the said decrite, bot also aucht to be comprehendit within the said act of Parliament, becaus the said deid is alledgeit to be committit be the said Lauchlane M^cIntosche his freindis upoun the said Laird of Altir his tennentis of Dolles since the said first day of May 1592; quhilk Laird of Alter is ane of the said Marques kin, freindis, men, tennentis, compliceis, pertakeris, and assistairis with him the tyme foirsaidis; and thairfore the generall dischairge and abolitioun of wrangis specifeit in the said decrite and also in the said act of Parliament aucht and sould be extendit to the said complenair and to his haill clan, baith as being pertakeris and assistairis of the said Erll of Murray in maner foirsaid, as also the deid alledgeit done be thame aganis the saidis tennentis of Dolles being done aganis thame as being the said Marques of Huntleyis kin and freindschip, as compliceis and assistaris with him sen the said moneth of 1592 contenit in the said act of Parliament. And thay aucht to be *simpliciter* fred and exonerit of all that the said Laird of Alter, his men, tennentis, and servandis, can lay to thair chairge for ony wrangis done be thame to him, his tennentis, servandis, during the tyme of the fead foirsaid."—Pursuer appearing personally, and the King's Advocate, James Cuming of Alter, and the other defenders, also appearing, the King's Advocate ("after that the saidis Lordis be thair interloquutour had fundin thame selffis judgeis competent in this matter") declared "that he wald pas from his compeirance, and that he wald not defend in this caus, bot leave the pairteis be thame selffis and thair procuratoris to use thair awne defensis as accordis, becaus this actioun wes a mater of estaite, dipping upoun the interpretatioun and explanatioun of his Majesteis decrite arbitrall and act of Parliament foirsaid, quhairin he wald not meddle. The ressonis, objectionis, and allegationis of the pairteis present gevin in be thame and thair procuratoris in write,—quhilkis procuratoris wer sufferit in this caise to assist the saidis pairteis, becaus this actioun and caus quhairin defensis and answeris are to be maid *hincinde* must be disputed and reasoned in termes of law,—togidder with the depositionis of certane personis producit be the said persewair, ressavit, sworne, and admitit as witnesis in this mater aganis the saidis defendairis,—being red, hard, and considerit be the Lordis of Secrite Counsaill, and thay ryplie advisit thairwith: the Lordis of Secrite Counsaill findis and declairis that Alexander Cuming, than appeirand of Alter, and eldest bruther to the said James Cuming now of Alter, wes ane speciall assistair and pertaker with the said Marques of Huntlie in the fead foirsaid, and that the said Alexander Cuming with some of his tennentis and servandis wer personall assistairis and pertakeris with the said Marques and his freindis at the fyre-raiseing and heirschip of Pettie committit upoun the said umquhill Lauchlane M^cIntosche of Dunnauchtane and his tennentis of Pettie; and thairfore the saidis Lordis decernis the said James Cuming of Alter and his haill tennentis and servandis to be comprehendit undir and within the submissioun and decrite

Decreta Mar. 1616–Jan. 1617.

Fol. 266, a.

Decreta Mar. 1616–Jan. 1617.

arbitrall foirsaid as being assistairis and pertakeris with the said Marques of Huntlie, and decernis the generall abolitioun and dischairge of slauchteris, murthouris, fyre raisingis, reiffis, heirschipis, and wrangis specifeit in the said decrite and act of Parliament foirsaid to be als fullie extendit to and in favour of the said Lauchlane M^{c}Intosche, now of Dunnauchtane, his clan, kin, men, tennentis, servandis, assistairis, and pertakeris as being assistairis and pertakeris with the said Erll of Murray as said is, for thair exoneratioun, releiff, and dischairge of all and quhatsumevir murthouris, slauchteris, fyre raisingis, reiffis, heirschipis, and depredationis commitit aganis the Laird of Altir, his men, tennentis, and servandis during and within the tyme of the fead foirsaid, as gif the generall dischairge foirsaid specifeit in the said decrite arbitrall and act of Parliament abonewrittin had bene in expres and speciall termes consavit and set doun in favouris of the said Lauchlane, his clan, kin, men, tennentis, servandis, assistairis, and pertakeris, and as gif thair names had bene particularlie insert in the same. And the saidis Lordis assoilyeis *simpliciter* the said Lauchlane M^{c}Intosche of Dunnauchtane fra the persute and petitioun of the saidis defendairis tuitcheing the entrie and exhibitioun before the saidis Lordis of the saidis Johnne M^{c}Coneill M^{c}Eane in Danoche and Allan M^{c}Eane Dow M^{c}Ronnald in Badyenoche for the slauchter, fyre raising, and heirschip of Dolles, and decernis the said Lauchlane quite and frie thairof in all tyme comeing, becaus, the said complaint being found relevant be the saidis Lordis and admitit to the said persewairis probatioun, and divers witnesis being producit be him, ressavit, sworne, and admitit thairin, he did frelie and sufficientlie verifie and prove that the said Alexander Cuming, eldest lauchfull bruther to the said James Cuming, now of Alter, wes ane speciall assistair and pertaker with the said Marques of Huntlie in the fead and querrell foirsaid, and wes present with the said Marques and his freindis at the fyre raising and heirschip of Pettie commitit upoun the said persewairis guidschir, his men, tennentis, and servandis, as said is,—as wes cleirlie understand to the saidis Lordis; for the quhilk the saidis Lordis hes found, declairit, decernit, and assoilyeit in maner foirsaid."

Fol. 266, b.

Commissions. Fol. 15, a.

Commission under the Signet, signed by the Chancellor, Mar, Glencarne, and Binning, is given to Johne Weymes, fiar of that Ilk, heritable bailie of the waters of Levin, to apprehend and try all persons within the bounds of the said waters suspected of destroying red fish, smolts, and fry in the said waters.

Commission against poachers on the Leven.

Decreta Mar. 1616–Jan. 1617. Fol. 266, b.

Sederunt—Chancellor; Bishop of St. Androis; Mar; Binning; Bugcleuch; Privy Seal; Justice Clerk; Advocate; Kilsyth; Medop; Bruntiland; Mr. Petir Rollok; Sir Andro Ker.

Edinburgh, 3rd December 1616.

Complaint by Mareoun Pitcarne, daughter of the late Johnne Pitcarne, burgess of Perth, and James Bryce, tailor, burgess of Hammiltoun, now her spouse, for his interest, that Patrik Pitcarne, burgess of Perth, and

Caption against Patrick Pitcairn and his spouse for debt.

Margaret Donaldsoun, his spouse, remain unrelaxed from a horning of 29th August last for not paying 600 merks of principal and £40 of annual rent of the same still owing, together with £40 of expenses.—Pursuers appearing by Archibald Douglas, macer, and defenders not appearing, the Lords order the Captain of the Guard to apprehend defenders, seize their houses, and inventory their goods for the King's use. Decreta Mar. 1616–Jan. 1617.

Caption against William Cunningham for debt.

Complaint by Patrik Dowglas, baker, burgess of Edinburgh, assignee of Aliesoun Wilsoun, relict of Alexander Lindsay, merchant burgess of Edinburgh, that William Cunynghame in Dolphingtoun, tutor of Bonytoun, remains unrelaxed from a horning of 1st July 1611 for not paying 600 merks of principal and 100 merks of expenses.—Pursuer appearing by Archibald Douglas, macer, and defender not appearing, the Lords give order to the Captain of the Guard as above. Fol. 267, a.

Caption against Lord Torthorwald for debt.

Complaint by Johnne Craig, "stabuler," burgess of Edinburgh, that James, Lord Torthorwald, remains unrelaxed from a horning of 16th August last for not paying £190, 6s. 8d. of principal and 200 merks of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order against defender as above. Fol. 267, b.

Act fixing the fees due to his Majesty's trumpeters for their services at the creation of peers and at other preferments.

Petition by his Majesty's ordinary trumpeters as follows:—They are obliged by their office to attend all solemnities of creation and preferment of noblemen and knights; but there is no fixed fee for the said attendance, and they are often frustrate of their reward. As the ordinary heralds have their allowances on such occasions fixed, petitioners crave the Lords to modify to them some competent and reasonable duty. The Lords fix the duties as follows, being the fourth part of those granted to the said heralds, to be paid by noblemen and knights at their preferment, either by patent or accustomed ceremony, viz.:—a marquis, £66, 13s. 4d.; an earl, £50; a viscount and baron of Parliament, £33, 6s. 8d.; a knight, £5. Fol. 268, a.

William Drysdale against Patrick Cluny for assault.

Complaint by William Dryisdaill in Bonhard Panes, as follows:—Patrik Cluny at the Grange Panes, having a grudge against pursuer, went on a day in November last to pursuer on the lands of Cusfagane, and attacked him with a "schod schole," hit him on the shoulder, felled him to the ground, struck him on the belly with the said shovel, and hurt him on the right hand and elsewhere.—Pursuer appearing personally, and defender not appearing, the Lords order defender to be charged to enter his person within the Tolbooth of Edinburgh, and to remain there at his own expense, till the Lords take further order. Fol. 268, b.

Commission against illegal fishing and poaching on or near the Ythan.

Commission under the Signet, signed by the Chancellor, Mar, St. Andros, Lothiane, and Binning, to Williame Forbes of Tolquhane to try persons suspected of killing red fish, smolts, and salmon fry in the Ythen, Yboris(?), Bronnie, Kellie, and other burns running into the Ythen, and destroying "greenewood, broome, policie and planting" within the sheriffdom of Abirdene, near the water of Ythane, and at the woods and hainings of "Blairfoull, Mynnenie, Abbottishall Yardis, Boggis and Broomes of Tolquhane and Abbotishall." Commissions. Fol. 15, b.

nmissions. . 16, a.

Commission under the Signet, signed by the Chancellor, Mar, Sanctandrois, Lotheane, and Binning, to Waltir, Lord Scot of Bugcleuch, Waltir Scot of Goldelandis, Waltir Scot of Whitsled, Robert Scot of Hanyng, and William Scot of Burnefute, to apprehend and exhibit before the Justice Symoun Scot of Bonytoun, Johnne and Adam Scot, his brothers, and Sym Scot, called "Symes Willie of Thirlestane," who were put to the horn on 17th October last, at the instance of Elspeth Hay as relict, and Scot, as only daughters, Waltir Scot of Harden as father, William Scot, apparent of Harden, as brother, Waltir Scot, second son of Waltir Scot of Todrig, for himself and as near kinsman, and others as kinsmen, of the late Waltir Scot in Essinsyde, for not finding caution for their appearance before the Justice in answer to the charge of attacking and wounding the late Waltir Scot in Essinsyde, and Waltir Scot, son of the laird of Todrik, and causing the death of the former. Commission for the apprehension of Simon Scott of Bonytoun and others, at the horn for assault and manslaughter.

derunts. l. 143, a.

"Reporte maid be some justiceis of peace and burrowis anent the letter send to thame for making of provisioun of fed beiff and utheris thingis necessair aganis his Majesteis heircomeing." Provision against his Majesty's arrival.

"The quhilk day it wes thoght meit be the Counsaill that thair sould be aill in Edinburgh of tua pryceis." Two prices of ale in Edinburgh.

"His Majesteis jornay fra Hamiltoun to Drumfreis appointit to be be the Sanquhair." King's route in Scotland.

ecreta Mar. 16–Jan. 17. l. 268, b.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Mar; Wyntoun; Lotheane; Bishop of Ross; Bishop of Caithnes; Binning; Bugcleuch; Burlie; Privy Seal; Justice Clerk; Advocat; Kilsyth; Bruntiland; Medop; Sir Andro Hammiltoun; Sir James Skene; Mr. Petir Rollok; Sir Andro Ker. Edinburgh, 5th December 1616.

Complaint by Andro Reid in Castelmeidie, son and heir of the late Andro Reid in Burneheid, that George Gordoun of Barskeoch, nephew and heir of the late Alexander Gordoun of Barskeoch, remains unrelaxed from a horning of 24th October 1615 for not observing the contract between the late Alexander Gordoun and the late Andro Reid, dated 10th July 1598, and especially for not infefting pursuer in a merk land of Nethir Strungirschill of old extent, for not making it free of all wards, reliefs, &c., and for not paying the maills and duties of the same resting unpaid.—Pursuer appearing by James Gordoun, his procurator, and defender not appearing, the Lords give order to the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use. Caption against George Gordon of Barskeoch for non-fulfilment of contract.

ol. 269, a.

Petition by Gideone Weir, messenger, as follows:—The Lords had, on the complaint of James Lokhart of Lie, suspended him from his office till Martimas now past, in order that in the meantime he might give satisfaction to the said James Lokhart (*ante*, p. 527). Petitioner has given the satisfaction required, and craves to be restored to his office.—The Lords, understanding from some of their own number that the said Act in favour of Gideon Weir, messenger.

Lokhart of Lie will insist no further on his complaint, do restore petitioner to the said office. Decreta Mar. 1616–Jan. 1617.

Mr. William Hamilton, minister of Mouswald, against Carruthers of Holmends and others for molestation.

Complaint by Mr. William Hammiltoun, minister at Mouswall, as follows:—On 20th September last, Williame Carrutheris of Knox, accompanied by Johnne Carrutheris of Holmendis, George Carrutheris, his brother, James Nicolsone in Over Almagill, James Wilkene there, George Carrutheris of Butterquhat, Johnne Ker in Litle Datoun, Johnne Ker, younger, there, William Allasoun in Litle Datoun, Johnne Hendirsoun in Mekle Datoun, Johnne Carrutheris in Dyke, Harbert Carrutheris in Midelraw, Robert Rea in Kirkwode, Johnne Forsyth there, Thomas Haliday there, Thomas Gibsoun there, George Robsoun there, Andro Carrutheris in Overdormont, George Carrutheris there, Johnne Clerk there, William Archibaldisoun in Mekle Datoun, and Alexander Carrutheris, brother of Johnne Carrutheris of Rammerskaillis, with others, to the number of 40 or 50 persons, all armed, went to the lands of Wodlandis, where pursuer was, and there menaced and threatened him, and without doubt would have slain him but for the help of some good people. On 23rd September, the same persons went again to Wodland, where pursuer had caused some teind to be taken which was to be transported that day, and lay in wait for pursuer a long time. Pursuer being informed of this, did not go forward; and defenders, thus disappointed, attempted to provoke him by casting the stacks to the ground.—Pursuer appearing personally, and defenders not appearing, the Lords order the defenders to be denounced rebels. Fol. 269, b.

Commission for the trial of William MacLauren for theft.

Commission under the Signet, signed by the Chancellor, Mar, Sanctandrois and Wintoun, to Coline Campbell of Lundie, Sir James Creichtoun of Ruthven, and Alexander Campbell of Crunan, or any two of them, to try William M^{c}Lawren, a common vagabond, now in the custody of the said Laird of Lundie for theft, resset, and "pykrie." Commissions. Fol. 17, a.

Buckholm and Pringle.

"The Lordis prorogatis the submissioun betuix Bukholme and Alexander Pringle to the nynt day of Januair nixt. Bukholme and Alexander Steuart [? Pringle], being personalie present, promeist to keepe that day. And ordanit Sir Robert Steuart, tutour of Traquair, and Thome Scott to be writtin for to be heir that day." Sederunts. Fol. 143, b.

7th December 1616.

Commission of the Peace for Angus.

Commission of the Peace for Angus to the Chancellor, the Archbishop of St. Androis, Johne, Marquis of Hammiltoun, Johnne, Earl of Mar, Johne, Earl of Montrois, Johne, Earl of Kinghorne, Patrik, Bishop of Ros, Andro, Bishop of Brechin, Andro, Lord Gray, James, Lord Ogilvy, David, Lord Carnegy, Johne Skrymgeour of Dudop, James Haliburtoun of Pitcur, Thomas Ogilvy of that Ilk, Sir James Creichtoun of Ruthvenis, Sir Johne Ogilvy of Innerquharitie, Ogilvy of Clova, Harie Wood of Lethame, Sir Johne Carnegy of Athie, Robert Carnegy of Dunchen, Richart Wood of Craig, Sir William Grahame of Claverhouse, Guthrie of that Ilk, Guthrie of Kincadrum, James Wentoun of Strikmartene, Mr. George Haliburtoun of Kelour, Johne Commissions. Fol. 21, a.

missions. Collace of Bonymoone, David Collace of Auchinfercy, William Fullertoun of Crago, Mr. James Bannatyne of Newtyld, James Durhame of Pityarrow; the said Johnne Skrymgeour of Dudop to be Keeper of the Rolls.

Sederunt—Chancellor; Bishop of St. Androis; Bishop of Glasgow; Mar; Bishop of Ros; Bishop of Caithnes; Binning; Cranstoun; Privy Seal; Advocate; Kilsythe; Bruntyland; Medop; Mr. Peter Rollok. Edinburgh, 10th December 1616.

Act establishing Parish-Registers throughout Scotland for the regular record of marriages, births, and deaths.

"Forsamekle as it is understand to the Kingis Majestie and Lordis of his Secreit Counsall that divers questionis doeth ofttymes arryse in sindrie judicatories of this kingdome anent the tymes of mariageis, baptismes, and decease of personis, whilkis questionis breidis grite contestatioun and pley betuix pairties and drawis them to ydill and unnecessar chairgeis and expensis, whereas, yf thair wer ane famous and authentick register establisheit and keipit in everie parosche bearing the trew and preceis tyme of the saidis mariageis, baptismes, and decease of personis, the occasioun of suche unnecesser contestatioun and pley wald be removit and tane away; and thairfore his Majestie, with advise of the saidis Lordis, hes commandit, resolvit, concludit, and ordanit, that in everie paroche of this kingdome thair salbe ane famous book and register maid be the minister of the parroche, and presentit be him afoir ony thing be writtin thairin to the bischope of the diocese, who sall nomber and mark with his awne name the haill leafis of the said register; and, the same being so markit and redelyverit to the minister, he or the reider be his directioun salbe haldin be vertew of this present act to insert thairintill the tymes and names of the personis to be maryed and of the bairnis to be baptized within the said parrochine, with the witnesis of the saidis bairnis, as alsua the names and tymes of personis deceisand within the same parrochine. And, for the gritter auctoritie, warrand, and credite to be gevin to the said register, the said minister or reider, with tua of the sessioun of the kirk, sall every day, at the upgeving of the saidis mariages and baptismes, subscryve the booke upoun the leaffe hard to the note quhair the mariageis and baptismes for that day ar closit. As lykewise, at the inserting of the names of the deceast persone or personis within the said booke, the said minister or reider, with twa of the personis present at the buryall of the deceast persone or personis, sall lykwise subscryve the said book. And the said minister salbe alsua haldin be vertew of this present act to exhibite his said booke yeirlie to his said bischop at everie synode, to the effect the said bischop may note and mark the said booke upoun the last writtin leaffe of the same,—whilk note sall beir the nomber of the leaffis preceiding the last leaffe foirsaid notit and markit be his [hand]. The said booke and register being so maid, marked, notit, and subscryvit as said is, his Majestie, with advise foirsaid, decernis and declairis the said register to be repute and haldin as ane famous and authentick

register,—the same, or extract thairof subscryvit be the said minister or be the reider being concredite with the keeping of the same, to haif and mak aith in [all] and quhatsomever judgementis within this kingdome. And ordanes letteris to be direct to mak publicatioun heirof be oppin proclamatioun at all placeis neidfull, quhairthrow nane pretend ignorance of the same."[1] Acta Mar. 1615–Aug. 1617. Fol. 67, b.

Act for enforcing previous Acts against Jesuits, priests, trafficking Papists, and recusants generally, with denunciation of death to Jesuits or priests, once banished the country, if they return from banishment.

"Forsamekle as one of the cheif and principall causis quhilk hes procured the grite defectioun in religioun and increase of Poperie within this kingdome doeth proceid from the tolleratioun, impunitie, and favorable oversicht gevin in tymes bypast to personis of that professioun, and through default of executioun of the lawes and ordinanceis formarlie maid aganis thame, whilk hes movit divers of that unhappie ordour and societie of the Jesuitis and otheris messe preistis to tak the bauldnes frome tyme to tyme to resoirt and repair in this cuntrey, quhair thay haif busyed and busyes thame selffis to corrupt his Majesties goode subjectis, alsweill by diverting of thame frome thair trew religioun as frome thair alledgeance and obedience to his Majestie, whairupon mony dangerous effectis hes fallin oute to the trouble of this Estaite; and quhairas the lyffe of the law dependis upoun the executioun thairof, whilk utherwayes is nothing els bot a deid and sensles letter, without vigour, force, or strenth; and seeing nothing is more powerfull to reteene and hold subjectis under thair obedience then the executioun of the law: thairfore his Majestie, with advise of the Lordis of his Secreit Counsall, hes resolvit, concludit, commandit, and ordanit that all and sindrie actis of Parliament, Conventioun, and Secreit Counsall maid at ony time heirtofoir aganis Jesuitis, preistis, heararis of messe, non-communicantis, [excom]municate personis, and recusantis, salbe putt to executioun aganis all and sindrie personis contravenairis of the saidis actis and guiltie of the [crymeis] contenit thairintill, without respect or favour; as alsua that all Jesuitis, preistis, and trafficquing papistis, once banished this kingdome and [re]turning agane within the same without his Majesties licence, [salbe exe]cute to the daith without favour. And ordanis letteris to be direct [chairge]ing officeris of armes to pas and mak publicatioun heirof be oppin proclamatioun at the mercatt croceis of the heade burrowis of this kingdome and otheris placeis neidfull, quhairthrow nane pretend ignorance of the [same]; and to charge all and sindrie judgeis, officeris, magistratis, [justiceis of peace], and otheris his Majesties liegeis, unto whome the executioun of [the said] lawis and actis is by the tennour of the same committit, that thay [and] every

[1] One of the resolutions of the General Assembly of the Kirk at Aberdeen in the preceding August (*ante*, pp. 598–601, footnote) had been, "That everie minister have a regis- "ter of those that are baptised, maried, and "buried within his paroche, under the pain "of suspension"; and the present is an enactment to enforce this national habit. The keeping of registers by the clergy had been compulsory in England since the reign of Henry VIII.; but it was not till 1836 that the first regular English Registration Act was passed. So, in Scotland, though parish registers had been in use even before this Act of 1616, it was not till 1854 that the system was perfected by statute.

Acta Mar. 1615–Aug. 1617. -

ane of thame within the boundis of thair severall off[iceis] performe that whilk to thair chairge and place anent the [executioun of] the saidis actis apperteynis, as thay and everie ane [of thame sall] answeir to his Majestie and his Counsall upoun the [dewtie] of thair officeis."

Fol. 68, a.

"Forsamekle as, albeit thair hes bene divers actis and proclamationis maid and publist heirtofoir dischairgeing all Jesuitis, seminarie and messe preistis, and trafficquing papistes, to resort and repair within this kingdome, and dischairgeing otheris personis to depairt and pas furth of the same, under certane paines mentionat and contenit in the saidis actis, notwithstanding it is of treuth that [divers] maisteris and skipparis of shippis, preferring thair private gayne and commoditie to the observance of the law, doeth at thair awne hand, without a lauchfull warrand, not onlie transporte personis who ar expreslie prohibite be the lawis to depairt oute of this kingdome, but lykewise thay bring within the same preistis, Jesuitis, and trafficquing papistis, to the grite hurte and prejudice of the trew religioun presentlie profest within this realme; and the cheif and principall caus of [this ?] publict and avowed contempt and violatioun of the law hes procedit from this, that no personis hes bene authorized with warrand and commissioun to attend at the sea portis and burrowis and to tak notice of the going oute and comeing in of personis within this kingdome: For remeid quhairof in tyme comeing, the Kingis Majestie, with advise of the Lordis of Secreit Counsell, ordanis and commandis the archiebishopis and bishopis within this realme, that they and everie ane of thame, within the boundis of thair awne diocese, nominate some honnest and famous personis, for whom they wilbe ansuerable, to attend at the sea portis and burrowis within thair diocese and to inquire and tak notice of all personis ather going oute or brocht within this kingdome. And, to the effect the saidis commissioneris may be the more able to attend thair office and chairge with suche respect and regaird as apperteynis, the saidis Lordis ordanis letteris to be direct to command, chairge, and inhibite all and sindrie maisteris and skipparis of schippis that nane of thame presoome nor tak upoun hand to louse and go oute of this cuntrey, or at thair returne to sett on land ony passingeris, till thair schippis be visited by the foirsaidis commissionaris to be nominat be the saidis bischoppis, under the pane of confiscatioun of the haill goodis of the contravenaris and forder punishement [in] thair personis at his Majesties pleasour."

Act requiring the Archbishops and Bishops to appoint trustworthy persons to visit all outgoing and incoming ships, and take note of the passengers in them, so that the coming and going of Jesuits and priests may be prevented: with charge to all masters of ships not to sail with passengers, or disembark passengers arriving, till the ships are visited.

"Forsamekle as, the Kingis Majestie haveing a speciall care and regaird that the trew religioun be advanceit and establisheit in all the pairtis of this kingdome, and that all his Majesties subjectis, especiallie the youth, be exercised and trayned up in civilitie, godlines, knawledge, and learning, that the vulgar Inglishe toung be universallie plantit, and the Irishe language, whilk is one of the cheif and principall causis of the continewance of barbaritie and incivilitie amongis the inhabitantis of the Ilis and Heylandis, may be abolisheit and removit; and quhairas thair is no meane more powerfull to further this his Majesties princelie regaird

Act ordering that there be an English school in every parish of the kingdom, and charging the Bishops with seeing to this provision, so that all the youth may be brought up in religion, the English

tongue universally planted, and the Irish or Gaelic extirpated.

and purpois than the establisheing of scooles in the particular parrocheis of this kingdome whair the youthe may be taught at the least to write and reid, and be catechiesed and instructed in the groundis of religioun; thairfore the Kingis Majestie, with advise of the Lordis of his Secreit Counsall, hes thocht it necessar and expedient that in everie parroche of this kingdome, whair convenient meanes may be had for interteyning a scoole, that a scoole salbe establisheit, and a fitt persone appointit to teache the same, upoun the expensis of the parrochinnaris according to the quantitie and qualitie of the parroche, at the sight and be the advise of the bischop of the diocie in his visitatioun; commanding heirby all the bishoppis within this kingdome that thay and everie ane of thame within thair severall dioceis deale and travell with the parrochinnaris of the particular parrocheis within thair saidis dioceis to condescend and aggree upoun some certane, solide, and sure course how and by quhat meanes the said scoole may be intertenyned. And, gif ony difficultie sall arryse amongis thame concerning this mater, that the said bishop reporte the same to the saidis Lordis, to the effect thay may tak suche ordour heiranent as thay sall think expedient. And that letteris be direct to mak publicatioun heirof, quhairthrow nane pretend ignorance of the same." Acta Mar. 1615–Aug. 1617. Fol. 68, b.

Act requiring all parents, under specified penalties, to use the ordinary means of instruction for their children, to see to their regular attendance on the catechisings and examinations of the parish ministers, and to present them duly for confirmation by the bishop of their diocese.

"Forsamekle as the Kingis Majestie, with advise of the Lordis of his Secreit Counsall, hes found it verie necessair and expedient for the better establisheing of the trew religioun that childrene be catechesed and educate in the knowledge of the groundis thairof frome thair tender yeiris; and seeing mony parentis ar so careles and negligent in that point as thair childrene, being ather altogidder ignorant or cairleslie instructed, ar quhen thay come to aige easilie pervertit and drawne to Poperie,—thairfore his Majestie, with advise foirsaid, hes commandit and ordanit, and by thir presentis straitlie commandis, chairges, and ordanes, all and sindrie parentis to use the ordinar meanes of instructing thair young childreen, to present thame to thair ordinar pastour at all usuall tymes of catechiesing and examinatioun, and to bring thame to the bischop of the diocie at everie visitatioun within the parroche to be tryed and [con]firmed be him, under the panes particularlie underwrittin, to be incurrit *toties quoties* be everie persone that sall failyee to present thair childrene to the bischop at his visitatioun as said is: that is to say, be everie [nobil]man fourty pundis, be every barone fourty merkis, and be everie [infe]riour persone twenty merkis or lesse according to the meanes of [the said] persone: and that letteris be direct to mak publicatioun heirof, [quhairthrow] nane pretend ignorance of the same."[1]

Act ordering that, in consequence of the going about of trafficking priests in the assumed guise of physicians, no one profess or practice

"Forsamekle as the Kingis Majestie and Lordis of Secreit Counsall ar suirlie informit that thair is divers personis within this kingdome [who], under the fals and usurped names of phisitionis and pro[fessoris of mede]cine, althoucht in professioun thay be preistis and trafficquing

[1] See *ante*, pp. 598–601, footnote, for account of Acts and Resolutions of the Aberdeen General Assembly of the preceding August.

Acta Mar. 615 Aug. 617

[papistis, tra]vellis athorte the cuntrey, insinuatis thame selffis in acquentance [and] familiaritie with sindrie of his Majesties subjectis, and by . . dispersing of bookis and otherwayes doeth quhat in thame lyis to . . and corrupt his Majesties saidis subjectis bothe in religioun and [in al]ledgeance and obedience to his Majestie, whairupoun [mony inconveni]entis may fall oute aganis the Estaite and to the hurte and [contempt] of the trew religioun gif remeid be not providit: Thairfore the Kingis Majestie, with advise of the Lordis of Secreit Counsall, commandis, chairgis, and inhibitis all and sindrie personis of quhat rank or qualitie soever thay be, that nane of thame presoome nor tak upoun hand to professe or practise phisicke quhill first thay ressave a testimoniall of the bischop of the diocie quhair thay dwell of thair conformitie to the trew religioun presentlie profest and be [law] establisheit in this kingdome, under the pane of fyve hundreth merkis to be incurrit be everie persone contravening thir presentis; certefeeing thame that sall failyee or do in the contrair that thay salbe decernit to haif [incurrit] and to incur the said pane, and executioun sall pas aganis thame for payment thairof in forme as effeiris. And ordanis letteris to be direct to mak publicatioun heirof be oppin proclamatioun at all placeis neidfull, quhairthrow nane pretend ignorance of the same."[1]

physic in Scotland without having a testimonial of his soundness in the faith from the Bishop of his diocese, under pain of 500 merks.

Vol. 69, a.

Acreta Mar. 16–Jan. 17. f. 270, a.

Sederunt—Chancellor; Mar; Bugcleuch; Bishop of Ros; Privy Seal; Justice Clerk; Advocate; Kilsyth; Medop; Burntiland; Sir James Skeene; Mr. Petir Rollok; Sir Andro Ker.

Edinburgh, 12th December 1616.

Complaint by Mr. Richard Powrie, minister at Dawik, that James Twedy of Dreva, and Johnne Twedy, apparent thereof, remain unrelaxed from a horning of 12th June last for not paying 400 merks of principal and £40 of expenses.—Pursuer appearing personally, and the said James not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Caption against Tweedie of Dreva for debt to the minister of Dawick.

Complaint by Johne Scott of Hundillishoip, that Johnne Jerdane, now of Apilgirth, remains unrelaxed from a horning of 19th April 1615 for not paying 200 merks, the price of 20 bolls of oats with 12 bolls of bere "for the price as the same wes sauld and lat to the terme of Martymes," and 20 merks of expenses; and also for not paying 1400 merks of principal and £100 of expenses.—Pursuer appearing by Thomas Scot, his procurator, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Caption against the Laird of Apilgirth for debt.

[1] This Act also is but the carrying into effect of a resolution or recommendation of the recent General Assembly of the Kirk at Aberdeen (*ante*, pp. 598–601 footnote). Among the ordinances of that Assembly for the prevention of the spread of Popery had been this:—"Becaus Jesuits and Preests, pretending to be apothecars and doctors of physicke, under colour of that pretendit profession subvert the youth and the commone people, therfore it is ordeaned that none be suffered to exerce that office unlesse they have approbation of the soundnesse of their religion from the Bishop of the diocie, and of the Universitie where they have learned for their sufficiencie."

Caption against John Ogilvy of Balmegarrow for not relieving his cautioners.

Complaint by David Alexander and Johnne Rankyne, burgesses of Dundie, that Johnne Ogilbie of Balmegarrow remains unrelaxed from a horning of 20th June last for not relieving them at the hands of Williame Forbes *alias* Saidler, "cordiner," burgess of Dundie, for payment of 1000 merks of principal and £200 of expenses, and of another sum of £200 besides, as expenses "incaice of thair distresse."—Pursuers appearing by James Guidlatt, their procurator, and defender not appearing, the Lords order the Captain of the Guard as above. Decreta Mar. 1616–Jan. 1617. Fol. 271, a.

Alexander Spence against George Allardyce and his son for assault.

Complaint by Alexander Spence, smith, indweller in Dysart, that, on 5th October last, Robert Allerdes, son and heir of George Allerdes of Skeddowy, went by his father's direction to pursuer's smithy, called on pursuer to come forth from his work to him, and then attacked pursuer with a drawn sword, and wounded him in the head, neck and shoulders, and right hand.—Pursuer appearing personally, and neither the said Robert nor his father appearing, the Lords find the complaint against the said Robert to be proven, and order him to be charged to enter his person within the Tolbooth of Edinburgh, and to remain there at his own expense till the Lords take order for his punishment. The Lords assoilzie the said George from the charge against him. Fol. 271, b.

Commission for the trial of thieves in the barony of Slains.

Commission under the Signet, signed by the Chancellor, Wintoun, R. Cockburne, and the Bishop of Caithnes, is given for a year to Patrik Con of Auchrie, Johne Hay of Crimont Mogett, Alexander Buchane of Auchmacoy, and Williame Strauchane of Kyppertie, to apprehend and try all persons suspected of theft, resset, and "pykrie" within the barony of Slanes, belonging to the Earl of Erroll. Commissio Fol. 17, b.

Edinburgh, 17th December 1616.

Sederunt—Chancellor; St. Androis; Glasgow; Mar, Treasurer; Wyntoun; Lotheane; Bishop of Ros; Bishop of Caithnes; Binning; Master of Elphinstoun; Privy Seal; Justice Clerk; Clerk of Register; Advocate; Kilsythe; Medop; Bruntyland; Sir Andro Hammiltoun; Sir James Skeene; Mr. Peter Pollock. Acta Mar. 1615–Aug. 1617. Fol. 69, a.

Oath of the Earl of Mar on his appointment to the office of Lord High Treasurer.

"Forsamekle as it hes pleasit the Kingis Majestie to mak choise of Johnne, Erll of Mar, to be Heich Thesaurair, Comptrollor, and Thesaurair of the New Augmentationis of the kingdome of Scotland, thairfore the said Lord, being personallie present, gaif his grite and solemne oathe in presence of the Lordis of his Majesties Previe Counsall that he sall dischairge the saidis officeis faithfullie, treulie, and dewtifullie, in all and everie thing belonging thairunto, according to his knowledge."

Delivery by Chancellor Dunfermline of a white staff to the new Lord Treasurer as the badge of his office: the Lord

"The quhilk day, Alexander, Erll of Dumfermelyne, Lord Heich Chancellair of this kingdome, according to ane speciall warrand and directioun in write signed be the Kingis Majestie, and send unto him, and presentit this day before the Lordis of his Majesties Previe Counsall and red in thair audience, delyverit to Johnne, Erll of Mar, Heich Thesaurair of this kingdome, ane quhyte staffe as ane badge of his office, and in his Majesties name required the said Erll not to go abroade or come in ony

Acta Mar. 1615–Aug. 1617.

publict meitingis or assembleis without the said staffe. Lyke as the said Erll of Mar with all dew reverence ressavit the said staffe frome the said Lord Chancellair, and promeist to obey the directioun gevin to him be the said Lord Chancellair thairanent.—Follows his Majesties missive letter for the warrand of the act abonewrittin:—Richt trustie and righte welbeloved cosen and counsellour, wee greete yow well. Haveing signed a guifte of the office of our Heich Thesaurair to our right trustie and righte welbeloved cosen and counsellour the Earle of Mar, wee have thoughte

Fol. 69, b.

good by these presentis to require yow that, when our said gifte shalbe exped through all our seales, yee deliver to the said Earle a white staffe as a badge of his office, requiring him not to go abroade or come into anie publict meetingis or assemblies without the same. Whiche knawing that yee will sufficientlie performe, wee bid yow fairwell. At Newmarket, the nynt day of December 1616.

Treasurer's promise never to appear in public without the said staff.

"The quhilk day in presence of the Lords of Secreit Counsall compeirit personallie Sir Gedeone Murray of Elibank, knicht, Deputie Thesaurair, and produceit and exhibite befoir the saidis Lordis the maise callit the Thesaurairis maise, with the caise of the same, quhilk wes delyverit to him be umquhile Sir Johnne Arnote, Deputie Thesaurair for the tyme, and hes bene keept be him sensyne. Quhilk maise, with the caise thairof, the saidis Lordis ressavit from the said Sir Gideone Murray, and delyverit the same to Johne, Erll of Mar, Lord Heich Thesaurair of this kingdome, to the effect he may caus the said maise be borne befoir him in all tymes comeing during the tyme of his office. And upoun productioun of the said maise and the delyverie of the same to the said Erll of Mar the said Sir Gideone Murray askit instrumentis.[1]

Exhibition of the Treasurer's mace by Sir Gideon Murray, Treasurer Depute, and delivery of the same to the Earl of Mar, as new Lord High Treasurer.

"The quhilk day the Lordis of Secreit Counsall, according to ane

[1] This and the two preceding Acts mark an important epoch in the history of the Scottish Administration during that period of the reign of James VI. which dates from his removal to England in 1603. At the time of that removal the great office of the Lord High Treasurership had been held by Sir George Home of Spott (*ante*, Vol. VII. p. xiv); and this able statesman had continued to hold the office under his later title of Earl of Dunbar,—with such vast increase of its powers and dignity, however, as made him virtually the coequal, and sometimes practically the superior, of the Lord Chancellor Dunfermline himself,—till his death in January 1611 (*ante*, Vol. IX. p. x). For a while there had been no appointment of any successor to him in the great office; and the duties of the office had been discharged by the Treasurer Depute, in conjunction with commissioners selected from among the Privy Councellors (*ante*, Vol. IX. pp. x-xii). But in December 1613 the vacant High-Treasurership had been filled up most glaringly by the appointment of the Scottish King's favourite at the English Court, Robert Ker (spelt Carr by the English), then Viscount Rochester, but since that date Earl of Somerset (see present volume, *ante*, pp. 159 and 200). Since then the Treasury affairs of Scotland had been nominally in the hands of this Earl of Somerset, though really administered still by resident officials under him, some of them his relatives and nominees. Of late, however, all England, all Great Britain, had been ringing with the horrible story of the complicity of this Earl and his Countess in the murder of Sir Thomas Overbury. The story belongs properly to English History; but here are the main facts and dates, in continuation of previous footnotes at pp. 159 and 200:—Through 1614 and part of 1615 the Earl of Somerset, Lord High Treasurer of Scotland, had been flaunting about the English Court, little heard of there by his Scottish official title or in connection with expressly Scottish affairs, but known sufficiently, and detested sufficiently

Archbishop Law of Glasgow, Clerk Register Hay, and the Lord Advocate Oliphant, admitted to the number of Commissioners for the King's Rents.

warrand and directioun in wryte signed be the Kingis Majestie, and direct to Alexander, Erll of Dumfermelyne, Lord Heich Chancellair of this kingdome, ressavit and admittit James, Archiebishop of Glasgow, and George Hay, Clerk of Register, and Sir Williame Oliphant, Advocat, to [be] of the nomber of the Commissionaris for manageing of his Majesties Rentis of this kingdome, to haif place and voice with the remanent commissionaris in all thingis concerning that place and chairge. Lyke as the saidis Archiebishop of Glasgow, Clerk of Register, and Advocat, being personallie [present], gaif thair oathe to dischairge the said place faithfullie and dewtifullie in all thingis concerning the same, according to thair knowledge.—Followis his Majesties missive letter for the warrand of the act abonewrittin.—Richt trustie and righte welbeloved cosen and counsellour, wee greete yow well:—Whereas, oute of our truste reposit [upoun James], Archiebishop of Glasgow, Sir George Hay, Clerke of Register, [and Sir] Williame Oliphant, our Advocate, wee wer pleased to [preferre thame] to be of our Previe Counsell, and, haveing had sufficient [prooffe of] their qualificatioun and good inclinatioun to our service [we have] found thame worthie of anie imployment quhatsoevir, [wee are] further pleased to constitute them commissioneris to have [place and] voyce with the remanent commissioneris foirmerlie appointed [for] manageing our rentis in that kingdome, and therfoir have [thoght] good by these presentis to require yow to call and admitt [thame to the afoirsaid place. In which behalfe as] these presentis shalbe unto yow a sufficient warrant, [so wee bid yow fair]well. At Newmarket, the nynt of December 1616. Acta Mar. 1615–Aug. 1617. Fol. 70, a

by many, as the King's Scottish favourite, holding high English dignities, and swaying the King's mind in all matters of English politics. Latterly, however, a young Englishman, George Villiers (afterwards Duke of Buckingham), having come into the King's good graces, there had been signs of quarrel between Somerset and the King, and the division of political parties at the English Court had assumed the shape of a struggle between the partisans of the Scottish favourite and those of the new English favourite. Suddenly, in the midst of all this, viz. in August and September 1615, horrible rumours broke forth. They were to the effect that the death of Sir Thomas Overbury (footnote *ante*, p. 159) had not been a natural death, but had been the result of an elaborate and ingeniously varied course of secret poisonings conducted at the instigation of Somerset and his wife, whether in mere revenge for Overbury's opposition to their marriage or for more mysterious reasons. Inquiry followed, and then the arrest and trials of the accused. Somerset professed his innocence, but was found guilty, and his wife was found guilty on her own confession; but, though four of the subordinate agents (Helwiss, Weston, Franklyn, and Mrs Turner) were brought to the scaffold, the lives of the Earl and the Countess were spared. They were kept in the Tower till 1622, when they were pardoned and released. She lived till 1632 and he till 1645.—One consequence of this tremendous English scandal of 1615 was, of course, a vacancy in Somerset's great Scottish post of the High Treasurership; and the present three entries in the Register of the Scottish Privy Council show how the vacancy was filled up.—The new Lord High Treasurer of Scotland, in place of the disgraced and imprisoned Somerset, was John Erskine, 7th Earl of Mar. Born about 1558, and therefore some years the King's senior, he had been brought up with the King at Stirling in those years when his mother, the Countess of Mar, had charge of his young Majesty, and George Buchanan was his tutor. He had been necessarily an important man in Scotland heretofore on that and other accounts; but since 1603, when he had accompanied the King to England, his residence had been chiefly there.

Decreta Mar. 1616–Jan. 1617. Fol. 272, a.

[Sederunt as recorded above.]

Edinburgh, 17th December 1616.

Caption against Patrick Livingston for debt.

Caption against the Laird of Balcaskie for debt.

Complaint by Mr. Alexander Levingstoun, advocate, that Patrik Levingstoun of Dalders remains unrelaxed from a horning of 9th July last for not paying 10,000 merks of principal for redemption of certain lands and 3000 merks of expenses.—Pursuer appearing by Alexander Douglas, macer, and defender not appearing, the Lords order the Captain of the Guard to apprehend defender, seize his houses, and inventory his goods for the King's use.

Fol. 272, b.

Complaint by Mr. Thomas Young, writer to the Signet, that Johnne Strang, elder of Balcasky, remains unrelaxed from a horning of 18th November last for not paying £264 of principal and £40 of expenses.—Pursuer appearing personally, and defender not appearing, the Lords give order to the Captain of the Guard as above.

Sederunts. Fol. 144, a.

Anent redelivery into Edinburgh Castle of a petard and other implements lent to Campbell of Caddell.

"The quhilk day Sir Johnne Campbell of Cadell and James lait his servand, being convenit befoir the Counsaill for the pittartis and uther geir delyverit to thame furth of the Castell of Edinburgh, thay promeist to send the saidis pittartis to Edinburgh and to delyver thame to the Thesaurair Depute, who promeist to satisfie the bringing of thame for thair wadgeis, and that betuix and the nynt day of Januair nixttocome; and, for the mattokis, gavelokis, and uther irne work ressavit be thame oute of the said Castell, thay promeist lykwise to delyver the same, or the weight of the same in price." [See the entries in the *Book of the Isles* under 12th November 1614.]

Anent tents lent to the Earl of Argyle for the service in Islay.

"Whereas thair wes three palyeonis or tentis send frome England and delyverit to the Erll of Ergyll for furtherance of his Majesteis service in Yla, the Lordis ordanis Mr. David Prymrois, who wes personalie present, to write to the [Erll of] Ergyle willing him to send bak the three tentis; and that Mr. David reporte his ansuer upoun the nynt of Januair."

Anent certain sheriffships.

"Missives writtin to the Laird of Colintoun, Sir William Seytoun, the Goodeman of Rentoun, the Laird of Keir, the Laird of [Amisfeild], the Goodeman of Logie, to be heir the nynt of Januair, to [accept] thair officeis of schirefship."

Decreta Mar. 1616–Jan. 1617. Fol. 273, a.

Edinburgh, 19th December 1616.

Sederunt—Sanctandrois; Mar, Treasurer; Bishop of Caithnes; Binning; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Clerk of Register; Advocate; Kilsyth; Medop; Sir Andro Hammiltoun; Sir James Skene; Mr. Petir Rollok.

Liberation of James Hamilton, tenant of Hamilton of

Complaint by James Hammiltoun in Twedesyde, tenant of Sir Robert Hammiltoun of Goislingtoun, knight, as follows:—Pursuer, having been put to the horn at the instance of the said Sir Robert for not finding

Goslington, from his ward in the Tolbooth of Edinburgh for not finding caution to his landlord.

caution, was committed to the Tolbooth of Edinburgh, where he has been detained in great misery for some months. Pursuer, who is a poor removable tenant, not worth the sum of 40s. Scots, cannot find caution, but is most willing to give *cautionem juratoriam*.—Pursuer being presented by Andro Quhyte, jailor, and defender being also present, the Lords, with consent of the said Sir Robert, command the Provost and Bailies of Edinburgh to put pursuer to liberty on his oath that he will not molest defender and that he and his wife will no longer remain on the lands of defender. If he do to the contrary, the defender shall have full power to commit him anew to the Tolbooth, to be fed there at his own expense on bread and water. Decreta Mar. 1616–Jan. 1617. Fol. 273, b.

Continuation of the action of certain Stewarts against the Laird of Mackintosh.

The Lords continue to 3rd June next the action of Alexander Stewart, as son, James Stewart, as brother, and Johnne Cuthbert, "also as bruther," and others, as kin, of the late Waltir Stewairt, burgess of Innernes, against Lauchlane M^{c}Intosche of Dunnauchtane, concerning his exhibition of Johnne M^{c}Coneill M^{c}Eane M^{c}Phaill in the Wester Davach land of Wester Collodin, who is at the horn for the murder of the said Waltir Stewart.

Malcom M$_{c}$Duffie and others against the Earl of Argyle, for liberation from their imprisonment.

Complaint by Malcolme M^{c}Duffie, Johnne M^{c}Kay, Allaster M^{c}Eane, Donald M^{c}Vicair, and Johnne M^{c}Vicair, as follows:—Pursuers have been detained for a long time in the Tolbooth of Edinburgh, having been brought here by Archibald, Earl of Ergyle, for their part in the rebellion of the traitor M^{c}Donald. They have endured great distress, cold, and hunger, and, having nothing of their own wherewith to buy food and raiment, will perish if they remain in prison this cold winter season. Pursuers have already "meanit" themselves divers times to the Lords, who continued their petition till the homecoming of the said Earl; and the Earl has now come home.—The said Earl appearing by Mr. David Prymrois, his procurator, the Lords order the pursuers to remain in ward at the expense of the said Earl till they be released by him. Fol. 274, a.

Commission for the apprehension of Menon Hog, a fugitive debtor.

Commission under the Signet, signed by the Chancellor, Mar, Sanct-androis, and Binning, to the Sheriffs of Abirdene and Kincairdin, and their deputies, George, Earl of Marchell, the Provost and Bailies of Abirdene, Alexander Burnet of Leyis, Alexander Irwing of Drum, and Alexander Gordoun of Cluny, to apprehend and commit to their tolbooth Menone Hoig of Blarydryne, who escaped from the tolbooth to which he had been committed by the said magistrates at the instance of Johnne Collisoun of Auchlunes till he should pay a debt of 300 merks. When he had been in prison for some time he was arrested therein for other debts at the instance of divers persons, who, since his escape, have raised claims against the said magistrates for the sums due. Commission. Fol. 18, a.

Edinburgh, 23rd December 1616.

[No record of Sederunt.]

Decreta Mar. 1616–Jan. 1617. Fol. 274, a.

Registration of the decreet of the arbiters in the dispute

This day appeared Adam Cunynghame, advocate, procurator for Robert, Earle of Lotheane, Thomas, Lord of Binning, Sir Robert Melvill of Bruntiland, and James King, advocate, who handed in the following

Decreta Mar. 1616–Jan. 1617. Fol. 274, b.

decreet (*ante*, p. 646). The Lords order the same to have the force of an act of Council:—

between Sir Thomas Kirkpatrick of Closeburn and his son and heir-apparent.

". . . . We haveing at lenth conferrit with bothe the saidis pairteis, and having hard the overturis and propositionis maid be the said Sir Thomas anent the payment of the saidis debtis, and the answeris and objectionis maid thairunto be the said Thomas, his sone, and understanding by thair reporte and relatioun that the burdynis of the said house and the said Sir Thomas his debtis extendis to twenty aucht thowsand merkis, quhairof thair is twenty thowsand merkis upoun bandis and obligationis and aucht thowsand merkis upoun wodsett, as wes constantlie affermed be the said Sir Thomas, lyke as he band and obleist him be thir presentis that thair is no forder debtis awand be him, neither upoun band nor obligatioun nor by wodset upoun his landis, bot the said sowme of twenty aucht thowsand merkis, and we being cairfull of the weill of both the saidis pairteis and of the standing of thair house, sua that by thair unnatural and unkynd contestationis the same come not to wraik and overthraw: thairfore we, all in ane voce, with consent of both the saidis pairteis, decernis and ordanis the said Thomas Kirkpatrik, younger, to concur with the said Sir Thomas Kirkpatrik, his father, and to gif his consent with him to the alienatioun of the auchtene pund land of auld extent of the baronie of Robertmure to ony persone or personis that will gif maist for the same. And we decerne thame to bestow and imploy the money that salbe gottin for the saidis landis upoun payment of the said Sir Thomas creditoris to whome he standis obleist in the said sowme of twenty thowsand merkis upoun band and obligatioun as said is. Fol. 275, a. And, gif thair beis not so muche money gottin for the saidis landis and barony of Robertmure as will compleitlie pay the said sowme of twenty thowsand merkis, we all in ane voce decerne and ordane the said Sir Thomas to supplie and advance of his awne proper geir so mutche of the said sowme of twenty thowsand merkis as salbe inlaiking in the price of the saidis landis and barony of Robertmure, and to bestow the same upoun the payment of his saidis debtis, sua that, gif the saidis landis and barony salbe sauld, the said Sir Thomas salbe haldin and obleist be thir presentis to mak the said sowme of twenty thowsand merkis good in full and compleit money for payment of his saidis debtis awand be him upoun band and obligatioun as said is. And, for the forder certantie and assuirance that the said Sir Thomas sall supplie and advance of his awne propir geir for the payment of his saidis debtis so mutche of the said sowme of twenty thowsand merkis as salhappin to be inlaiking in the price of the saidis landis, we all in ane voce, with consent of the said Sir Thomas, decernis and ordanis him to caus the persone or personis in whose names he hes tane the richt of the sowmes of money addebtit unto him be Johnne Murray, groome of his Majesteis bedchalmer, to mak, subscryve, and deliver to the said Thomas Kirkpatrik, his son, ane sufficient assignatioun of so mutche of the said money as will fill up and compleit the inlaik of the said sowme of twenty thowsand merkis, gif ony salhappin to be, in the price of the saidis landis,

to be imployit for payment of the said sowme of twenty thowsand merkis. Decreta Mar 1616–Jan. 1617. And, becaus the said Thomas is content and willing for the releif of his said fatheris debtis to concur with him and to gif his consent to the alienatioun of the saidis landis and barony of Robertmure, thairfore we all in ane voce, with consent of the said Sir Thomas, decernis and ordanis him to renunce in favouris of his said sone all reservationis contenit in his said sones contract of marriage of the entress and herizeildis of ten pund land of Brigburgh and fyve pund land of Auchincarne, with the maillis, fermes, proffeitis, and dewteis thairof, exceptand alwyse the fischeing of the saidis landis, whilkis we be the tennour of this our decrite do reserve to the said Sir Thomas him selff during his lyftyme. As alsua we all in ane voce, with consent of the said Sir Thomas, decernis and ordanis him to dispone unto the said Thomas, his sone, in suche competent forme of securetie as salbe thocht expedient, the merk land of Slakis and the fourty schilling land of Dressetland, and to entir him presentlie to the possessioun of the same; as alsua to redeme fra Thomas Greir of Bariarge the twenty schilling land of Roughyle betuix and Witsonday nixt, and to entir the said Thomas, his sone, to the possessioun of the same. And Fol. 275, b. siklyke we all in ane voce decerne and ordane the said Sir Thomas, with his awne consent, to dispone unto his said sone, in suche forme of securitie as he pleis devise, the personage of Dalgarno, with the haill teyndis, fruitis, rentis, proffeitis, and emolumentis of the same, the said personage being first redemit be the said Sir Thomas fra Johnne Ker, present possessor thairof, to the effect the said Sir Thomas may thairwith pay the annuelrent of the said sowme of aucht thowsand merkis lyand upoun the landis and leving of Cloisburne. And we all in ane voce, with consent of the said Thomas Kirkpatrik, younger, decernis and ordanis him to releve his said fader of the dewtie and stipend addebtit to the minister of Dalgarnot furth of the teyndis and dewteis of the said personage of all yeiris and termes to come; as alsua to releve his said father of all payment of the foirsaid annuelrent of aucht thowsand merkis lyand upoun the landis and leving of Cloisburne of all yeiris and termes to come, and to accept upoun himself the payment thairof during the non redemptioun of the same, begynnand the first termes payment at the feist and terme of Witsonday nixttocum. And we decerne and ordane the said Sir Thomas to gif to his said sone sufficient dischairgeis of the said annuelrent and of all yeiris and termes preceiding the said terme of Witsonday nixttocome. And, gif thair be ony conditioun of requisitioun in ony of the bandis and secureteis maid be the said Sir Thomas upoun the said sowme of aucht thowsand merkis or ony pairt thairof, in that caise we decerne and ordane the said Thomas Kirkpatrik, younger, to releve his said father of all payment of somutche of the said principall sowme of aucht thowsand merkis quhairupoun thair is conditioun of requisitioun for payment as said is. As alsua we decerne and ordane the said Sir Thomas to dischairge his said sone of all actionis criminall and civile that he hes aganis him, and to caus David Plumbar,

Decreta Mar. 1616–Jan. 1617.

donatour to his said sones eschete and lyfrent, mak his said sone assignay thairto; and, gif the said David hes already maid assignatioun of the same eschete and lyfrent to the said Sir Thomas or ony utheris, that the said Sir Thomas sall caus his said sone be sufficientlie secured of his eschete and lyfrent be the persone or personis whome the said David hes maid assignay thairunto. And, last of all, we all in ane voce decerne and ordane both the saidis pairteis to stand and abyd at oure decrite and sentence, and to observe and keipe the same in everie poynte, head, and article thairof, ather of thame to utheris, with speciall provisioun and conditioun alwyse that the said Sir Thomas sall not be haldin for his pairt to performe ony point, claus, article or conditioun of this oure decrite quhill first the landis and barony abonewrittin of Robertmure be sauld be him and his said sone; and, so lang as the saidis landis and barony sall remane unsauld, we ordane the executioun of this oure decrite to rest and ceis in all tyme

Fol. 276, a.

comeing, becaus the selling of the saidis landis and barony for outred and payment of the said Sir Thomas debtis is the c[h]eif and principall caus quhairfore the said submissioun wes maid and oure decrite followit thairupoun. And this oure decrite to all and sindrie whome it effeiris we notifie and mak knowne, and for the mair securetie we are content and consentis that thir presentis be insert and registrat in the buikis of Secrite Counsaill, to have the strenth of ane act and decrite of the Lordis thairof, with letteris and executoriallis to pas thairupoun in forme as effeiris; and for registering heirof constitutis Adam Cunynghame, advocat, our procuratour, &c. In witnes quhairof we have subscryvit thir presentis with oure handis, at Edinburgh, the nynt day of October, the yeir of God j^{m}vj^{c} and sextene yeiris, befoir thir witnesis,—James Prymrois, Clerk of his Majesteis Prevey Counsaill, Mr. Gilbert Prymrois, his sone, and Archibald Douglas, maiser. *Sic subscribitur:* Lotheane, Binning, Sir Robert Melvill, J. King; J. Prymrois, witnes, Mr. G. Prymrois, witnes."

Acta Mar. 1615–Aug. 1617. Fol. 70, a.

Sederunt—Chancellor; Mar, Treasurer; Binning; Privy Seal; Treasurer Depute; Advocate; Sir Andro Hammiltoun; Medop; Sir James Skeene; Mr. Peter Rollock.

Edinburgh, 24th December 1616.

Act for removing all cattle feeding in the King's Park of Holyrood, so that it may be stocked in good time with wedders, &c., to be fattened against his Majesty's arrival.

"Forsamekle as, for the better furnissing and interteyning of his Majesties house at his comeing heir, God willing, this approtcheing sommer, it is verie necessair and expedient that a nomber of weddiris and otheris goodis be boght afoirhand and weele fed in his Majesties awne parkis, to the effect thay may be in reddines and in goode ply agane his Majesties comeing heir, thairfore the Lordis of Secreit Counsall ordanis and commandis the keeparis of his Majesties park and medow at Haliruidhous that immediatlie thay remove and putt thair haill bestiall and goodis oute of the same, and that thay ryve oute na pairt thairof this ensewing yeir, bot to suffer the same byleye and to be hayned for his Majesties awne bestiall and goodis to be putt and fed in the same, as thay

will answeir upoun the contrarie at thair perrell; commanding alsua all otheris his Majesties liegeis and subjectis that nane of thame presoome nor tak upoun hand to put ony bestiall or goodis in the said park, or to ryve oute ony pairt or portioun thairin, as thay will answeir upoun the contrarie at thair heichest perrell." Acta Mar. 1615–Aug. 1617.

Act for clearing Edinburgh, the Canongate, Leith, and all places adjacent, before his Majesty's arrival, of the idle beggars and vagabonds still swarming there despite previous Acts for confining such to their own parishes.

"Forsamekle as, albeit thair hes bene divers actis of Parliament maid and publist heirtofoir aganis strong and idill personis beggaris, quhairby it is ordanit that every parrochine sall interteny thair awne beggaris, and that nane be sufferit to wander athorte the cuntrey, under certane paines mentionat and contenit in the saidis actis, notwithstanding it is of treuth that grite nomberis of strong, sturdy, and idill beggaris and vagaboundis daylie travellis athorte the cuntrey, and frome all pairtis of the cuntrey resortis to the burgh of Edinburgh and to the Cannogait, and, haveing thair ressettis in sindrie pairtis ewest to this burgh of Edinburgh, quhair thay pas the tyme in all kynd of ryott and filthie and beistlie litcherie and hooredome to the offens and displeasour of God, thay do lykewise importune his nobilitie, counselloris, and otheris his Majesties goode subjectis with most shamefull exclamationis and outcryis, lyis upoun the streitis of the Cannogait and betuix Leythe and Edinburgh, and it is lyke aneugh that, when his Majestie comes to this cuntrey this nixt sommer, that thay will follow his Majesties Courte, to the grite discredite and disgrace of the cuntrey, without remeid be providit: Thairfore the Lordis of Secreit Counsall ordanis letteris to be direct to command, chairge, and inhibite all and sindrie strong, sturdy, and idill beggaris, be oppin proclamatioun at the mercat croceis of the heade burrowis of this realme and otheris placeis neidfull, that nane of thame presoome nor tak upoun hand to [wander athorte the]. . . . . Fol. 70, b.

. . . . . .

thair leving . . . to be scourget and brynt in the [hand], and wairdit for the space of ane moneth, and fed upoun breade and watter for the first fault, and to be hangit to the deade without favour or mercy for the secound falt; and that all waik and impotent personis who ar not . . . contene thame within thair awne parrocheis, and on nawayes presoome to come furth thairof under the paines contenit in the actis of Parliament formarlie maid heiranent. And siclyke to command, chairge, and inhibit all and sindrie his Majesties liegies, awnaris, heretoris, and lyferentaris of landis within the burgh of Edinburgh, Leythe, the Cannogait, the Weste Porte, Potterraw, Plesance, Leythe Wynd, Sanct Ninianes Raw, and otheris suburbis about this burgh, that thay nor nane of thame presoome nor tak upoun hand to sett ony housis to beggaris, nor to suffer ony beggaris to haif ressett or remaining within the same. And siclyke to command, chairge, and inhibite all and sindrie his Majesties liegeis and subjectis duelland within the boundis foirsaidis, and within the parrocheis of Haliruidhous, Leythe, St. Cuthbertis, Dudingstoun, Libertoun, Corstorphin, and Cramond, that nane of thame ressett or hurde ony beggaris in thair housis, under the pane of

Acta Mar. 1615–Aug. 1617.

twentie pundis to be incurrit *toties quoties* be every persone or personis settaris of thair housis to beggaris, or ressettaris within thair housis of beggaris; certifeeing thame that sall failyee or do in the contrair that thay salbe decernit to haif incurrit and to incur the said pane, and executioun sall pas aganis thame for payment thairof in forme as effeiris."

Directions to the magistrates and inhabitants of Edinburgh for such preparations for his Majesty's arrival as that all may be fit for his reception, and seemly in the eyes of the many English nobles and gentlemen who will be in his train: with orders for a special survey of the town, so that provision may be made, and a roll drawn out, of suitable lodgings for 5000 strangers, and suitable stabling for 5000 horses.

"Forsamekle as the Kingis Majestie, oute of his tender and princelie love and regaird to this his native and ancient kingdome haveing thir mony yeiris bigane had a grite and naturall longing to see the same, as being his native soile and place of his birth, hes resolvit, God willing, this approtche[ing] sommer to accomplishe his intendit jorney heir, and to honour this kingdome with his royall presence; in the whilk jorney his Majestie wilbe accompanyit be divers of his Nobilitie and Counsall, and with some of the reveren[d clergie], besydes a grite nomber of other people of all rankis and qualities, [frome the] Kingdome of England; and, whereas the place of his first ran[devous and] langest aboade during his stay in this kingdome wilbe at his Majesties [palice] of Haliruidhous, [and] it will necessarlie fall oute that his nobilitie and . . . with the grittest pairt of his tryne and followaris (of whome thair . . . few nomber of personis of goode rank and qualitie) mon be ludgeit [within the] burgh of Edinburgh, the Cannogait, and suburbis of the said burgh, [which being] the cheif and principall toun of this kingdome, quhair his Majesties [awne] soverane courte of Parliament, his Majesties honnorable Prev[ie Counsall], and the grave and learned Senatoris of his Colledge of Justice [ordi]narlie sitt, the strangearis and otheris that ar to accom[pany his Majestie] heir wilbe so muche the more cairfull narrowlie to remark [and] espy the cariage and conversatioun of the inhabitantis of the said [burgh, the] forme of thair interteynment and ludgeing, and gif thair housis be . . . and thair bedding and naprie clene and neate, and according [as thay] sall find thay will mak reporte outher to the credite and [honour] or to the reproche and scandaill of this burgh; and seeing [it becomes] all his Majesties goode and loving subjectis of that burgh, every one of thame in thair awne rankis, to show thair thankfull hairtis to his Majestie by ressaving of and ludgeing of his Majesties tryne and followaris in the best forme and maner that thay can, and the rather for that nothing [is] to be craved of thame bot for reddy and thankful payment:—Thairfore the Lordis of Secreit Counsall hes commandit, and by thir presentis commandis and ordanis, the Provest and Baillies of Edinburgh, with the concurrence of the baillies of the Cannogait within the Cannogait and of the baillies of the Potterraw and Weste Porte within thair boundis, to mak a perfyte survey of the haill ludgeingis and stabillis within the said burgh of Edinburgh, the Cannogait, Leythe Wynd, Pleasance, Potterraw, and West Porte, and to foirsee and provide that thair be goode ludgeingis within the saidis boundis for fyve thowsand men, and stablis for fyve thowsand horse. And, yf by the said survey

Fol. 71, a.

thay sall not find so manie goode stabillis within the saidis boundis as will convenientlie serve for fyve thowsand horse, that thay designne barnis to be stabillis, and caus haikis and mangeiris to be sett up in thame. And in this accompt and number of men and horsis for whome ludgeingis and stabillis ar to be preparit thay ar all to be understoode to be of his Majesties tryne and followaris come frome England, who mone be accommodate and easit in ludgeingis and stabillis afoir ony of this cuntrie people. And ordanes the saidis Provest and Baillies to make a perfyte and cleir roll of the haill ludgeingis and stabillis, and of the barnis to be appointit for stabillis, within the saidis boundis, designing the particulair placeis of the situatioun of the same, the names of the awnairis and possessoris thairof, the nomber of chalmeris and beddis within every house, and how manie strangearis may be commodiouslie ludgeit in the same, and how mony horse every one of the saidis stabillis will hold. And it is heirby recommendit unto the saidis magistratis to see that the saidis ludgeingis be furnist with honnest and clene bedding, and weele weshin and weele smellit naprie and otheris linningis, and with a sufficient nomber and quantitie of goode veshell, cleene and cleir and of sufficient lampenes; and lykewayes that thay caus the tynneis courtis within the saidis boundis be repairit, and that all thair stablairis be furnist with sufficiencie of corne, strae, and hay; commanding alsua the magistratis of Edinburgh, the Cannogait, Potterraw, and West Porte, that everyone of thame within thair awne boundis haif a cair and gif directioun for keiping of thair streitis cleene, and that no filthe nor middingis be seene upoun the same, and that no beggaris be seene within thair boundis; commanding alsua the saidis magistratis of the Cannogait, Potterraw, and West Porte to gif thair efauld and honnest concurrence, every one of thame within thair awne boundis, to the Provest and Baillies of Edinburgh in everie thing tending to the executioun of this commissioun and directioun, as thay will answeir upoun thair obedience at thair heichest perrell; ordaning alsua the Provest and Baillies of Edinburgh to mak thair reporte unto the saidis Lordis of thair proceidingis in this bussynes, and to present befoir the saidis Lordis the roll foirsaid of the ludgeingis and stabillis within the saidis boundis upoun the sextene day of Januar, to the effect forder ordour may be tane heiranent as apperteynis." Acta Mar. 1615–Aug. 1617.

His Majesty's letter declaring the true causes of his approaching visit to his native land after so long an absence.

"The quhilk day the letter underwrittin, signed be the Kingis Majestie, direct to the Lordis of his Majesties Previe Counsall, concerning the just and trew causis of his Majesties most gratious and comfortable purpois and resolutioun to honour this his ancient kingdome with his royall presence this approtcheing sommer, being this day presentit unto the saidis Lordis, and red in thair audience, the saidis Lordis, acknawledgeing with all dew reverence his Majesties exceiding grite love and tender regaird to this his native cuntrey, exprest and manifest so powerfullie and lyvelie alsweill by the said letter as by mony sensible prooffis and experienceis in the progres of all his Majesties proceidingis Fol. 71, b.

Acta Mar. 1615–Aug. 1617.

in his most happie and blessit government,—thairfore the saidis Lordis ordanis the said letter to be insert and registrat in the bookis of his Majesties Previe Counsall, thair to remane as a perpetuall rememberance of his Majesties love, kyndnes, and affectioun to this cuntrey:—

Off the quhilk letter the tennour followis:—Richte trustie and righte welbeloved cosen and counsellour, and righte trustie and welbeloved counsello[uris], wee greete yow well.—It could not bot be verie greevous unto us if the earnest desyre whiche wee have long had to visite that our native and ancient kingdome of Scotland sould be meette at our arrivall thair with anie unwelcome coldnes of a nomber of our goode subjectis in that cuntrey, and that by the occasioun of a prejudged opinioun in manie of our peoples heartes grounded upoun fals rumouris, eyther maliciouslie or foolishlie spred, anent the causes and erandes of our intentioun to repair thither at this tyme. Wee have therefore thochte it verie convenient, for preventing of this mistaking, to make by these presentis ane ingenuous and sincere professioun unto yow of the motives induceing us to resolve upoun our jorney thether at the tyme appointed:—

First, wee ar not ashamed to confesse that wee have had these ma[nie] yeiris a greate and naturall longing to see our native soyle and of our birth and breeding. And this salmonlyke instinct of our [mind] restleslie, both when wee wer awake, and manie tymes in our [sleep], so stirred up our thoghtis and bended our desiris to make ane [jorney] thither that wee can never rest satisfied till it sall pleas [God] wee may accomplish it. And this wee do upoun our hon[our say] to be the maine and principall motive of our intended jorney.

Bot unto this desyre of ours, proceeding frome a naturall [caus, adjoin] the care wee have to dischairge our kinglie office the [tyme we ar] there, and so to mak use of our naturall affectioun [on] that occasioun to the dischairge of our calling; wherein [our] grite care salbe to heare and give redresse to suche s[uitis] of our subjectis (if anie there be) as could not utherwayes [be] redrest without our awne presence, and our nixt care . . . . . anie suche abuse or disordour (if wee sall finde anie) as could [not] be so weele performed in our absence.

So, for making anie alterationis or reformationis . . . that government, eyther ecclesiasticall or civile, it is . . . . wilbe glad that by our presence als manie thinges pending [as may]be may have their setling in the tyme
Fol. 72, a. of our being there; but wee wish not onlie yow (who by your place ar best acquaynted with our intentionis), [bot all] our other goode subjectis of whatsomever degree to have that setled confidence in our honestie and discretioun that wee will not so muche as wish anie thing to be done there whiche sall not tend to the glorie of God and the weele of that common wealth and all our goode subjectis therein. As also that there may be divers thingis whiche, although wee mighte justlie wish thame, yet may there be so manie impedimentis and lettes to crosse thame that, although in our conscience and honestie wee mighte avow thame to be goode, yet in our discretioun wee wolde be loth to trouble our selfe and

oure good subjectis with thame at this time, excepte they mighte alsweill proove to the generall lyking and applause of our people as to the benefite and weele of the commoun wealth. Acta Mar. 1615–Aug. 1617.

Wee ar therefore hereby earnestlie to desyre yow that yee will not onlie for your owne partes harbour no prejudged conceipte of our intentionis upoun the grounde of these idill rumoris, but also make this our sincere declaratioun come to the eares of our other goode subjectis, that wee may haif conforte of suche a joyfull meeting there with our people as wee for our pairt sall ever deserve.

To conclude, wee pray yow to rest assured that our intentioun is so to behave our selfe the tyme of our being there as everie one sall see that our care sall not be wanting to do as muche goode as wee can, and yet so to carie our selfe as our actionis salbe accompanied with the applause and hearty consente of all our goode people. And, these premisses moste affectuouslie recommending to your speciall care, wee bid yow fairweele. Given at Newmarket, the 15th of December 1616."

[Sederunt as recorded above.] Decreta Mar. 1616–Jan. 1617. Fol. 276, a.

Edinburgh, 24th December 1616.

James Thomson against the provost and bailies of Peebles.

Complaint by James Thomesoun in Windielawis that on December instant he was unjustly apprehended in the burgh of Peblis by the provost and bailies thereof, and committed to the tolbooth, where he still remains.—Pursuer appearing by Sir Archibald Murray of Blakbarony, knight, and Johnne Dicksoun, provost, and William Ellot, bailie of Jedburgh (?), not appearing, the Lords order defenders to be denounced rebels.

Commission for the trial of thieves in parts of Aberdeenshire.

Commission under the Signet, signed by the Chancellor, Mar, Binning, and A. Drummond, is given for a year to Williame, Lord Keythe, and his bailies, to apprehend and try all persons suspected of theft, resset, and "pykerie" within the lordship of Deir and the baronies of Ieen (Oyne?) and Innerurie. Commissions. Fol. 18, a.

The last page of the Book of Sederunts (*fol.* 144, *b.*) *contains a number of entries under this date, some of which obviously refer to the immediately preceding business recorded in the Acta, Decreta, and Book of Commissions. The page is, however, in such a bad state that it is impossible to give the extra jottings.* Sederunts.

The *Minute Book of Processes* gives the following memoranda collectively for the month of December 1616:—

Ryott: William Drysdale against Patrik Cluny.

Rebellion: Johne Craig against Lord Torthorwald.

Rebellion: Patrik Douglas against William Cunyngham.

Rebellion: Pitcairn against Pitcairn.

Complaint of contraventione of ane act of cautione: Johne Hamiltoun against Sir Johne Campbell.

Rebellion: Andro Reid against Georg Gordon.

Petition: Hew Weir craving to be reponed to his office of nottarie, &c.

Ryott: Mr. William Hamiltoun against Carrutheris.

Petition: William Scott against Philip Scott, to whom the complenair wes interdyted to dispone to him his landis.

Act ordaining ane schooll to be within every paroch.

Petition: Walter Gordon craving liberty to mak buffill, &c.

Severall actis against traffiqueing papistis and seminary preistis.

Act ordaining ministeris of ilk paroch to keep a register of all mariages, baptismes, and buriallis.

Rebellion: Richard Pourie against Tueidies.

Ryott: Alexander Spence against Robert Alderdyce.

Letteris to be putt to libertie: James Drummond against Baylies of Edinburgh.

Rebellion: Johne Scott against Johne Jardin.

Rebellion: Alexander Rankin against Ogilbie.

Rebellion: Alexander Livingstoun against Patrik Livingstoun.

Rebellion: Gilbert Hay against Dam Mary Carmichaell.

Letteris to be putt to liberty: James Thomson against baylies of Peibles.

Act ordaining the park of Hallirudhous to be keiped for his Majesties use.

Act ordaining the Magistratis of Edinburgh to provyd lodging for 5000 men and stables for 5000 horses.

Ryott: Magistratis of Edinburgh against Naesmith and utheris.

Imprisonment: Malcolm M^{c}Duff against Earle Argyle.

Protestatioun: Schireff Deputt of Abirdene against William Williamsone.

Rebellion: Mr. Thomas Young against Johne Strang.

Letteris: James Hamiltoun against Sir Robert Hamiltoun, to be putt to liberty.

Ryott: William Baylie against Thomas Meldrum.

Offers be James Midltoun for slaughter of Clement Mauchan.

Ryott: Patrik Dalgarno against Calquhon, &c.

[The following stray entries of various dates through the year 1616 are from a volume of Acts of Caution extending over the range of years from 1591 to 1616 inclusively.]

Acta Caut. 1591–1616. Fol. 92,* a.[1]

Caution by Sir Johnne Vaus of Barnebarroche and James Borthuik of Newbyris, in £1000, for Lauchlane M'Intosche of Dunnauchtane, that he will go to his lodging in the burgh of Edinburgh after his release from the castle, and remain there till freed by the Lords. — Edinburgh, 6th January 1616. The Laird of Mackintosh.

Promise by Patrik Adamsone, son of James Adamsone, provost of , to appear when summoned, under the pain of 100(?) merks.[2] — Edinburgh, 7th June 1616. Patrick Adamson.

Caution by Johnnstoun of Correlaw, in £1000, for Williame Johnnstoun, called "of Lockerbie," that he will keep the peace with [James] McMath in Kirkinhair.[2] — Edinburgh, 11th June 1616. William Johnstoun called "of Lockerbie."

Fol. 92,* b. Caution by Robert Kirkpatrik, servitor to the Countess of Wigtoun, for William Johnnstoun, called "of Lockerbie," that he will pay to the Lord Treasurer £20 for his escheat goods, or report a nullity of the horning against him for the indemnity of the foresaid James McMath, which has been suspended till 25th July. — Ditto.

Caution by Johnne D , and burgess of Edinburgh, in £100(?), for Johnne Lowrie, flesher, burgess of Edinburgh, that he will observe the laws prohibiting the sale at present of certain kinds of flesh. — Edinburgh, 1616. John Lowrie, flesher.

Caution by Thomas Scrymgeour for Andro Rollok of Duncrub. — Rollok of Duncrub.

Fol. 93, a. Harie Wod of Bonytoun and Johnne Wod of Fettercarne appear and give their oath not to exchange challenges. — Aberdeen, 16th August 1616. Bonytoun and Fettercairn.

Caution by William Wod of Colpno, in 5000 merks, for the foresaid Harie Wod, that he will keep the peace with Sir Johnne Wod of Balbegino. — Wood of Bonytoun.

Caution by Alexander Burnett of Leyis, in 500 merks, for Thomas Burnett of Camphell, that he will keep the peace. — Aberdeen, 20th August 1616. Thomas Burnett.

Cautions by James Hay of Mayne, (1) in 3000 merks, for Patrik Grant of Ballindalloch, and Johnne Grant, his son, that they will keep the peace with Alexander Gordoun of Strathdowne; (2) in 3000 merks, for the said Johnne Grant, that he will keep the peace with Patrik Grant of Carroun; (3) in 1000 merks, for William Hay, his brother, that he will keep the peace with the said laird of Carroun and Alexander Gordoun of Strathdowne. — Aberdeen, 21st August 1616. Grant of Ballindalloch and Grant of Carroun.

Fol. 93, b. Cautions by Andro Fraser, apparent of Muckallis, (1) in 300 merks, for George Grant, servitor to Andro Fraser of Muckallis, his father, that he will keep the peace; (2) in 5000 merks, for Sir Johnne Wod of Balbegino, that he will keep the peace with Harie Wod of Bonytoun. — Cautions by Andrew Fraser.

[1] This leaf, which is not uniform with the other entries in the volume, is in very bad condition.

[2] The signature of the cautioner is affixed.

THE ISLES.

A.D. 1613–1616.

THE ISLES.

The Isles, 1608-1623. Page 80.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Rory M^cCleud of Dunveggane, callit M^cCleud of Hereis, and broght, presentit, and exhibite befoir the saidis Lordis Neill M^cCleud in the Lewis, and Donald M^cCleud, his sone; whilkis tua personis wer committit to warde within the Tolbuithe of Edinburgh; and the Justice Clerk, Clerk of Register, and Advocat wer ordanit to examine thame the morne at after-noone.[1] Edinburgh, 2nd March 1613. Entry of Neil Macleod and his son Donald by MacLeod of Harris.

The quhilk day the said Rory M^cCleud of Hereis actit and oblist him self that he sall compeir personalie befoir the saidis Lordis upoun the fourte of this instant, and that he sall remane within this burgh and not depairt nor pas away quhill he be licenced be the saidis Lordis, under the pane of ten thousand merkis." Band by Macleod of Harris.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personallie Rory M^cCleud of Dunveggane, and actit and oblist him selff that, forsamekle as it hes pleasit the Lordis of Secreit Counsaill be the Kingis Majesteis allowance to grant unto the said Rorie licence to repair to his Majestie for randering of his obedyence and making offer of his service to his Majestie, that the said Rory at his returne frome his Majestie sall gif his compeirance befoir the saidis Lordis, and that he sall nawise depairt nor pas hame to his awne cuntrey quhill he gif unto the saidis Lordis contentment and satisfactioun anent his obedyence to his Majestie and his lawis in tyme comeing, under the pane of ten thousand merkis." (Signed) MACLEOID. Edinburgh, 6th April 1613. Another band by MacLeod of Harris, in view of his going to Court by the King's leave.

Page 81.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Donald Gorme of Slaitt for obedyence of the act quhairby he fand cautioun to that effect; and the saidis Lordis ordanit him to remane and attend upoun his Majesteis Thesaurair and Advocat, and to tak ordour with the Thesaurair for his bigane dewtyeis restand awand, and to produce to his Majesteis Advocat the infeftmentis, rightis, and securiteis of his landis; and, when he is at a point with thame, that he present him self of new befoir the Counsaill, and on nawayes Edinburgh, 3rd June 1613. Anent Donald Gorme of Slait and his obligations.

[1] The result was the trial, conviction, and execution of Neil MacLeod in the following month (April 1613), and the banishment of his son Donald from Scotland.

remove nor depairt quhill he obtene the saidis Lordis licence to that effect. Lyke as the saidis Lordis declairit unto him that they wald on nawayes releve his cautionaris of his entree quhill he present him self of new befoir the saidis Lordis." The Isles, 1608–1623.

Lord Ochiltree and the keeping of Dunyvaig.

Allowance to Andro Lord Steuart of Uchiltrie for the keeping of the house of Dunnyvaig. Same as appears in *Acta* towards the end of the entry of 1st June 1613 (*ante*, p. 69).

Edinburgh, 15th June 1613.

Band by Donald Gorme of Slait.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Donald Gorme of Slaitt, and actit and oblist him that he sall compeir personalie befoir the saidis Lordis, in suche tymis as he salbe lauchfullie chairgeit to that effect, in the duelling housis of Mr. Thomas Nicolsoun, advocat, in Edinburgh, or James Logy, induellair thair, upoun threescoir dayis wairning, and ansuer to suche thingis as salbe layed to his charge, under the pane of ten thousand merkis." Page 82.

The Tutor of Kintail freed from his caution for Donald Gorme.

"The Lordis of Secreit Counsaill, in respect of the personall compeirance of Donald Gorme of Slaitt befoir thame, exoneris and relevis Rory M^{c}Kanyee of Coigache of the actis quhairby he become actit for the entrie of the said Donald befoir the saidis Lordis upoun the last Counsaill day of Maij last, and declairis the said Rory to be free of the said actis in all tyme comeing."

Edinburgh, 24th June 1613.

Commission to the Tutor of Kintail and others for service against the remaining sons of Neil MacLeod and other rebels in the Lewis.

Commission renewed for a year to Rorie M^{c}Kenzie of Cogach, Tutor of Kintaill, Mr. Coline M^{c}Kenzie of Killin, Murdo M^{c}Kenzie, their brother, Alexander M^{c}Kenzie of Coull, and Kenneth M^{c}Kenzie Davachmaluag, to pass to the Lewis and to apprehend and try Rorie and Donald M^{c}Cleud, sons of the late Neill M^{c}Cleud [see *ante*, p. 691, footnote], William and Rorie M^{c}Cleud, brothers of Malcolme M^{c}Cleud, son of Rorie M^{c}Cleud sometime of the Lewis, Donald M^{c}Indowir Breiff, Murdo M^{c}Angus V^{c}Intagart, Donald M^{c}Angus V^{c}Intagart, his brother, Gillichallum Quoygach M^{c}Intagert, Johnne Dow M^{c}Angus M^{c}Gilliemichell, Murdo M^{c}Torquill Blair, Johnne Roy M^{c}Torquill Blair, Normond M^{c}Torquill Blair, Donald M^{c}Neill V^{c}Finla, Gillichallum M^{c}Allane V^{c}Finla, and Donald M^{c}Conill M^{c}Gillichallum, actors in the first rebellion in the Lewis against the gentlemen venturers, and who were denounced as rebels on 2nd February last.

Edinburgh, 20th July 1613.

Another band by MacLeod of Harris, with liberty to him to pass home.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Sir Rory M^{c}Cleud of Dunveggane, and actit and oblist him that he sall compeir personalie befoir the Lordis of Secreit Counsaill, quhenevir and sa oft as he salbe lauchfullie chairgeit to that effect upoun threescoir dayis wairning at the duelling housis of Mr. Alexander King, advocat, in Edinburgh, and Alexander Cwnynghame, writter and agent, in Edinburgh, domicilis nominat be the said Sir Rory quhairat he salbe chairgeit, and answer to suche thingis as salbe layed to his charge, under the pane of ten thousand merkis. In respect of the Page 86.

The Isles, 1608–1623.

quhilk act, and oblissing now maid be the said Sir Rorye, the Lordis of Secreit Counsaill gevis and grantis libertie and licence to the said Sir Rorye to depairt and pas home at his pleasour." (Signed) S. R. MACLEOID.

Page 87.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Sir Rorye M°Cleud of Dunnevegane, and freelie renunceit and dischargeit the precept gevin unto him be the Kingis Majestie, quhairby his Majestie ordanit his Heynes Thesaurair to mak payment to the said Sir Rory of the soume of ane hundreth pundis sterling; in respect quhairof, and to the effect the said Sir Rory may be the better encourageit to continew in his obedyence to the Kingis Majestie and his lawis in tyme comeing, the Lordis of Secreit Counsaill hes dischargeit, and be the tennour heirof dischargeis, the decreit gevin aganis the said Sir Rory, and Coline Campbell of Lundie, his cautionair, quhairby thay wer decernit to haif incurrit the pane of x^{m} ℔. for the said Sir Rory his not-compeirance befoir the saidis Lordis on ane certane day bigane, and exoneris, freethis, and relevis him and his said cautioner of the said decreit and soumes of money contenit thairintill, and declairis thame free thairof in all tyme comeing."

Renunciation by MacLeod of Harris of his right to £100 from the King, and release in consequence of himself and his cautioner from the penalty incurred for his previous failure to appear before the Council.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie Sir Rorie M°Cleud of Dunveggane, knyght, and Sir Dowgall Campbell of Auchinbreck, and actit and obleist thame and thair airis as cautionaris and souirteis, conjunctlie and severalie, for Murdo M°Torquhill Blair, Johnne and Tormond M°Torquhill, his brothers, and Rorie M°Neill, servant to the said Sir Rorie M°Cleud,[1] that thay and everie ane of them sall behave thame selffis in all tyme comeing as dewtifull and obedient subjectis to our soverane Lord, sall observe his Majesteis peace and keep good rewll and quyetnes in the countrey, and that thay sall compeir personalie befoir the Lordis of his Majesteis Prevey Counsell so oft as thay salbe lauchfullie chargit to that effect, upon thriescoir dayis warneing, at the duelling housis of Mr. Alexander King, advocat, and Alexander Cuninghame, agent and indueller in Edinburgh, domiceillis nominat and designit be the saidis cautionaris to that effect, and answer to sic thingis as salbe layed to thair charge, ilkane of thame under the pane of ane thousand merkis incaice thay failyee in ony point of the premisis. And the said Sir Rorie oblist him and his airis to warrand and releve the said Laird of Auchinbreck of this present cautionarie, and of all pane, skaith, and danger that he salhappin to incurre thairthrou." (Signed) S. R. MACLEOID.
S. D. C. ACHINBREK.

Edinburgh, 30th July 1613.

Caution by MacLeod of Harris and Campbell of Auchinbreck for the good behaviour of Murdo M°Torquill Blair and other Islemen.

age 88.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Hector M°Clayne of Dowart, and actit and oblist him that he sall remane and keepe warde within this burgh of Edinburgh,

Edinburgh, 15th February 1614.

Band for MacLean of Duart.

[1] There is added in the margin:—"and sone naturall to umquhile Neill M'Cleud, somtyme in the Lewis;" to which is appended the (autograph) signature "S. R. Macleoid."

and that he sall on nawayes eshew nor depairt furthe thairof quhill he be fred and relevit be the saidis Lordis, under the pane of ten thousand merkis."

Caution by Lord Madertie for the safe custody of John Cameron, eldest son of Cameron of Lochiel.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie James, Lord of Madertie, and presentit and exhibite befoir the saidis Lordis Johnne Camroun, oldest lauchfull sone to Allane Camroun of Lochyell, for obedyence and satisfactioun of the chairgeis exhibite aganis him for that effect. And, whereas the saidis Lordis of Secreit Counsaill, at the eirnist requeist and desyre of the said Lord of Madertie, wer content that the said Johnne Camroun sould still remayne in his custodie and keeping, thairfoir the said Lord of Madertie actit and oblist him self that he salbe answerable for the said Johnne, and that he sall exhibite the said Johnne befoir the saidis Lordis of Prevey Counsell whenevir he salbe lauchfullie chairgeit to that effect upoun ten dayis wairning, under the pane of ten thousand merkis."

Edinburgh, 1st March 1614.

Caution by Williamson of Termett for the good behaviour of Duncan MacIntosh.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Angus Williamesoun of Termett, and become actit and oblist as cautionair and souirtie for Duncane M^cIntoshe, uncle to M^cIntoshe, now of Dunnauchtane, that the said Duncane sall observe our Soverane Lordis peace, keepe goode reule and quietnes in the cuntrey, and that he sall compeir personalie befoir the Lordis of Secreit Counsaill whensoevir he salbe lauchfullie chargeit to that effect upoun fyftene dayis wairning, and answer to suche thingis as salbe layed to his charge, under the pane of tua thousand merkis. And the said Duncane, being personalie present, oblist him and his airis to releve his cautionair, &c."

Lord Chancellor Dunfermline freed from his caution for MacLean of Duart.

"The Lordis of Secreit Counsaill, in respect that Hector M^cClane of Dowart hes compeirit befoir the saidis Lordis, and is now under band for his remaning within this burgh quhill he be free and relevit, hes fred, exonerit, and relevit, and be the tennour freethis, exoneris, and relevis, Alexander, Erll of Dunfermelyne, Lord Heich Chancellour of this kingdome, of that act, band, and cautionarye whairin he wes oblist for the said Hector his personall compeirance befoir the saidis Lordis at ane certane day bigane; and declairis him to be free of the said cautionarie in all tyme comeing." Page 89.

Edinburgh, 19th March 1614.

New caution by and for MacLean of Duart.

"The quhilk day compeirit personalie Hector M^cClayne of Dowart, as principal, and James, Erll of Glencarne, Archibald Campbell of Kilmerfurte, Donald M^cIlwray M^cClayne of Pennygall, and Angus M^cClayne of the Knoke, as cautionaris and souirteis for him, and become actit and oblist, conjunctlie and severalie, that the said Hector sall compeir personalie befoir the Lordis of Secreit Counsell upoun the xvij day of Maij nixttocome for randering of his obedyence to his Majestie and his Counsell, under the pane of ten thousand merkis."—The said Hector, Archibald, Donald, and Angus, and Mr. Archibald Achiesoun, advocate, in

The Isles, 1608-1623.

Edinburgh, become caution for the relief of the said Earl of Glencairne; and the said Hector undertakes to relieve all the abovenamed persons of their cautionary, and to pay to them, or any of them who shall be "distressit" for the said cause, the sum of 6000 merks.—*Sic subscribitur:* Glencairne, M°Clayne of Dowart, Archibald Campbell of Kilmerforte, Angus M°Clayne, Donald M°Ilwrye of Pennygyle, Archibald Achiesoun.

Page 101.

Edinburgh, 17th May 1614.

Commission to Sir James Stewart of Killeith for action in the Orkneys and Shetlands against Patrick Stewart, base son of the Earl of Orkney, now in rebellion in those parts.

"Forsamekle as, Robert Stewart, base sone to Patrik, Erll of Orknay, haveing in the monethe of Januair 1613 gevin his solemne aith and promeis in presence of the Lordis of Secrete Counsell that he sould not resort nor repair to the boundis of Orknay and Zetland without his Majesteis licence haid and obtenit to the effect, nevirtheles the said Robert, being forgetfull of his aith and promeis, and consequentlie being cairles of his honnour and credite, hes of laite addrest him selff to the boundis of Orknay and Zetland without his Majesteis previe knowlege, consent, or allowance, of purpois and intentioun to do what in him lyis to disturb the peace and quyetnes of these boundis, heichly to his Majesteis offens and contempt, without remeid be provydit: Quhairfoir his Majestie, with advise of the Lordis of his Secrite Counsell, hes gevin and grantit, and be the tennour heirof gevis and grantis, full power and commissioun, expres bidding and charge, to Sir James Stewart of Killeyth, schireff of Orknay, and to his deputis, for whome he salbe haldin to answer, or to ony of thame, to pas searche, seik, and tak the said Robert Stewart whairevir he may be apprehendit within the boundis of Orknay or Zetland, and to put him in firmance and warde quhill the commoditie may serve of his transport and exhibitioun heir befoir his Majesteis Counsell to be tane ordour with and punneist for his demeritis as accordis. And generallie all and sindrie thingis necessar for his apprehensioun to do and use quhilkis of law or consuetud of this realme ar knawin to pertene: firme and stable halding, and for to hald, all and quhatsomevir thingis salbe lauchfullie done heirin. And ordanis letteris to be direct chairgeing officeris of armes to pas, command, and charge all and sindrie his Majesteis lieges and subjectis to concur, fortifie, and assist the said Sir James and his deputis in all thingis tending to the executioun of this commissioun within the saidis boundis of Orknay and Zetland, and that thay nor nane of thame presome nor tak upoun hand to answer or mak payment to the said Robert of ony of the maillis, fermes, or dewteis of the landis and leving of Orknay and Zetland, nor yitt to schaw him ony confort, supplie, protectioun, or mantennance, under quhatsomevir cullour or pretens, as thay and ilk ane of thame will answer upoun the countrarie at thair heichest perrell."

Edinburgh, 9th June 1614.

Recitation of

"Forsamekle as, his Majesteis castell and fortalice of Dunnevaig being in the monethe of Marche last surprisit and tane be Ronald Oig M°Donald, base sone to umquhile Angus M°Donald callit of Dunnevaig,

the recent suspicious proceedings of Angus Macdonald in Islay, with commission to the Bishop of the Isles to deal with him and obtain the surrender of the Castle of Dunivaig.

the same wes schortlie thairefter recoverit fra him be Angus Oig McDonald, lauchfull sone to the said Angus, who, pretending that the respect and regaird of his Majesteis obedyence and service moved him to interpryse the recoverie of the said house fra the said Ronald, and that he wald delyver the same to the reverend father in God, Andro, Bischop of the Yllis, or to ony utheris whome his Majestie and his Counsell wald appoint to ressave the same; and thair being no distrust haid of the sinceritie of the said Angus proceidingis in that mater, bot that his behaviour and actionis did all proceid oute of his affectioun to his Majesteis service, and that thairby he micht consiliat his Majesteis gratious favour: notwithstanding he hes sensyne gevin verie probable and evident presumptionis that the first surprise and taking of the house be the said Ronnald wes done by his speciall causing, command, counsaile, directioun, and informatioun, insofar as he hes not onlie maid a plane refuisall to delyver the house to the said Bischop, and hes fortifeit the same with men, munitioun, poulder, and bullett, of purpos and intentioun to keepe the same as ane house of weare aganis his Majestie and his auctoritie, bot, with that, feiring that his practizeis, plottis, and directioun gevin to the first surprise of the said house be Ronald, sould be discoverit, he hes schamfullie and cruellie murdreist and slayne the said Ronnaldis four men who assistit him to tak the said house, and by whome the said Angus fearit the discoverie sould come, and he hes tane Ronnald him selff and keepis him prisonner under dangeir of the lyk crueltie as wes usit aganis his men. Alwise, to the effect the Lordis of Secrete Counsaile may better understand what is the said Angus his drift and projectis in this mater, and yf he will rander his obedience or profess him selff a rebell and disloyall subject, thay haif directit letteris and chairgeis aganis the said Angus and his compliceis, keeparis of the said house and of the said Ronald, for delyverie of the same house and of the said Ronald to the said Bischop of the Yllis within a certane space after the charge, under the pane of horning. And, yf it salhappin the said Angus and his compliceis treasounablie to detene the said hous aganis his Majestie and the said Bishop, his Majesteis commissionair, and yf for that caus thay salbe lauchfullie and ordourlie denuncit his Majesteis rebellis and put to his Hienes horne, in that caise his Majestie, with advise of the Lordis of Secrete Counsell, hes gevin and grantit, and be the tennour heirof gevis and grantis, full pouer and commissioun, expres bidding and charge, to the said Andro, Bishop of the Yllis, to convocat and assemble togidder suche of his Majesteis subjectis in armes as ar obedyent to his Majesteis lawis, for whome he wilbe answerable in the execution of this service,—and with thame to pas to Yla, and thair to invirone and lay the said house aboute both be land and water, and to persew and assedge the same with all kind of wearelyk ingyne, rais fyre, and use all force and hostilitie requisite and necessar for recoverie thairof, apprehending of the rebellis and traytouris being thairintill. And, [yf] in persute and assedgeing of the said hous

The Isles, 1608-1623. Page 102.

The Isles, 1608–1623.

(the same being refuisit to be randerit, and the keeparis for that caus denuncit rebellis andput to the horne) thair salhappin slaughter, mutilatioun, fyre raising, or ony uther inconvenient to follow, his Majestie,

Page 103.

with advise of the saidis Lordis, decernis and declairis that the same sall not be impute as cryme nor offence to the said Bischop nor personis assisting thame to the executioun of this commissioun, and that thay nor nane of thame sall not be callit nor accusit thairfoir criminallie nor civilie be ony manner of way in tyme comeing,—exonering thame of all pane, cryme, skaith, and dangeir that thay may incurre thairthrou for evir, and generallie &c., firme and stable &c. And that letteris be direct chairgeing all and sindrie his Majesteis lieges and subjectis to ryse, concurre, fortifie, and assist the said bischop in all and everything tending to the executioun of this commissioun, and to do nor attempt nothing to his hinder or prejudice, as thay and ilk ane of thame will answer upon thair obedyence at thair heichest perrell."

Pages 103–6.

Edinburgh, 21st June 1614.

Renewed commission to the Tutor of Kintail and others for action against the rebels in the Lewis.

Commission for the space of one year is renewed to Rorie M^{c}Kenzie of Cogach, Tutor of Kintaill, Mr. Coline M^{c}Kenzie of Killin, Murdo M^{c}Kenzie, their brother, Alexander M^{c}Kenzie of Cowle, and Kenneth M^{c}Kenzie of Davachmaluag, to pass to the Lewis against Malcolme M^{c}Cleud, son of Rorie M^{c}Cleud sometime of the Lewis, and his associates, Rorie and Donald M^{c}Cleud, sons of the late Neill M^{c}Cleud, the rebel who was executed, William and Rorie M^{c}Cleud, brothers of the said Malcolme, Donald M^{c}Indowie Breiff, Murdo M^{c}Angus V^{c}Intagert, Donald M^{c}Angus V^{c}Intagert, his brother, Gillichallum Quoygach M^{c}Intagart, Johne Downe Angus M^{c}Gillimichell, Murdo M^{c}Torquill Blair, Johnne Roy M^{c}Torquill Blair, Normond M^{c}Torquill Blair, Donald M^{c}Neill V^{c}Finla, Gillichallum M^{c}Allane V^{c}Finla, and Donald M^{c}Conill M^{c}Gillichallum, who were put to the horn on 2nd February 1612 for their opposition to the gentlemen adventurers. Proclamation is to be made at Innernes and other places charging all the inhabitants of the North Isles, "and within the boundis of the landis, heretageis, and possessionis, officeis, and bailliareis pertening to Coline, now Lord of Kintaill (except-and alwise the personis of the name of Fraser, Ross, and Monro, thair tennentis, and servandis)," to assist the commissioners (*ante*, p. 694).

Page 106.

Edinburgh, 5th July 1614.

Renewed commission to Sir James Stewart of Killeith against Patrick Stewart, base son of the Earl of Orkney.

Another commission to the Sheriff of Orkney [see *ante*, p. 695] against Robert Stewart, base son of Patrik, Earl of Orknay. The said Robert "hes surprisit and tane his Majesteis house of Birsay, hes fortifeit the same with men, victuallis, poulder, and bullett, hes dilascheit a nomber of muscattis and hacquebutis at his Majesteis officeris and servandis who come to charge the said house, and intendis to keepe the said house as ane house of weare aganis his Majestie, and sua to disturb sa fer as in him lyis the peace and quyet of the countrie, without remeid be providit." The commission is in like terms to that of 17th May 1614, given on pp. 694–5.

Edinburgh, 29th July 1614. Order for the arrest and search of a Leith ship bound for Orkney.

"The Lordis of Secrete Counsaill ordanes and commandis James Foirman, watter baillie of Leyth, to stay and arreist the schip of Leythe callit , quhairof Robert Sinclair is maister, presentlie bowne to Orknay, and to caus tak hir saillis fra the raes, quhairthrou scho depairt not without licence of the Lordis of Secrete Counsaill haid and obtenit to that effect. As alsua that he searche and caus the said schip be narrowlie searcheit, to the effect he may knowe what kynd of provisioun is in the said schip, and what passingeris ar to be transportit thairintill towardis Orknay; and that he report unto the saidis Lordis what he sall find in thir materis, as he will answer upon the dewtifull dischairge of his office." The Isles, 1608–1623. Page 108.

General order against the passage of vessels to Orkney or Shetland without leave.

"Forsamekle as it is thought meit and expedient be the Lordis of Secrete Counsaill, for some speciall considerationis heichlie importing his Majesteis service and the weill of the countrie, that no schippis, barkis, nor crearis sall repair toward Orknay or Zetland quhill the saidis Lordis be first adverteist thairof and thair licence and consent hade and obtenit thairto,—thairfoir ordanes letteris to be direct to command, charge, and inhibit the maisteris, awnaris, skipparis, and marinaris of quhatsomevir schippis, crearis, barkis, and boitis presentlie bowne to Orknay and Zetland, that nane of thame presome nor tak upoun hand to louse fra the portis quhair thay ar now lyand or to pas towardis Orknay and Zetland quhill first thay acquent the saidis Lordis thairwith, and obtene thair licence to that effect, under the pane of confiscatioun of the saidis schippis, barkis, crearis, and boitis, and of the haill remanent goodis pertineing to the saidis skipparis, awnaris, and marinaris. And, yf neid beis, to fens and arrest the saidis schippis, barkis, crearis, and boitis, and to tak thair saillis fra the raes, quhairthrou thay depairt not, as said is."

Edinburgh, 3rd August 1614. MacLean of Duart exonered from his caution.

"The Lordis of Secreit Counsaill, in respect that Hector M°Clayne of Dowart hes come heir and in dew and lauchfull tyme presentit him self befoir the saidis for obedyence and satisfactioun of the act quhairby he and his cautionaris wer bundin and oblist to that effect upoun the xix day of Marche last [*ante*, p. 694], thairfoir the saidis Lordis findis and declairis the said act to be satisffeit, and relevis the said Hector and his cautionaris of the same act for ever." Page 89.

Ratification by MacLean of Duart, Donald Gorme of Slait, MacLeod of Harris, MacKinnon of Strathordale, and MacLean of Lochbuy, of their obligations by the Band of Icolmkill.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Hector M°Clane of Dowart, Donald Gorme of Slaitt, Sir Rory M°Cleude of Hereis, Lauchlane M°Kynnoun of Strathordaill, and M°Clayne of Lochbuye, and ratifeit and approvit the band maid and subscryvit be thame to Andro, Bischop of the Yllis, his Majesteis commissionair for the tyme at Icolmekill, upoun the 24th day of August 1609, togidder with the actis and ordinanceis of the courte maid and sett doun at that same tyme in presence of the said Bischop, in all and sindrie pointis, clausis, and conditionis specifeit and contenit thairin; and promeist to conforme thame selffis thairto in all tyme comeing." Page 90.

he Isles, 08–1623.

This day the above-named persons appeared personally, and found caution to appear before the Lords every year on 10th July, if it be a lawful Council day, and, failing that, the first Council day thereafter, to render their obedience,—the said Hector M°Clayne, Donald Gorme, and Sir Rory M°Cleude in 5000 merks each, and the said Lauchlane M°Kynnoun and M°Clayne of Lochbuy in 3000 merks each.

Band by the same Island chiefs for their future annual appearance before the Council.

"The quhilk day the personis particularlie abonewrittin, being demandit yf thair wes ony deadlie feade standing amangis thame, thay declairit that thair wes no deadlie feade standing amangis thame, bot that thay had some civile actionis, quhilkis thay wald persew and follow oute according to the course of law and justice. And, being demandit yf thay wald submitt thair actionis to freindis, to the effect all mater of contestatioun and stryffe amangis thame mycht be removit, the said Donald Gorme declairit that he wes willing for his pairt to submitt, bot the saidis Hectour M°Clayne, Sir Rory M°Cleude, and M°Kynnoun declairit that thay wald not submitt, bot follow oute thair actionis be the ordinair course of law. In respect quhairof the Lordis thoght meete that thay sould be actit for keeping of his Majesteis peace in maner and upoun the conditionis following."

Declaration by the same chiefs anent feuds and differences amongst themselves.

age 91.

The above-named persons appeared personally and found caution for keeping of the King's peace in these sums: the said Hectour M°Clane, Donald Gorme, and Sir Rory M°Cleude, in 10,000 merks each; and the said Lauchlane M°Kynnoun and M°Clayne in 5000 merks each.

Band by the same chiefs for keeping the peace.

This day appeared the above-named persons, and "faithfullie promeist, actit, and oblist thame that thay sall gif dew obedyence to thair ministeris and assistantis, everyone of thame within thair awne boundis, and that thay sall hald hand to thame in punisheing of all kynd of sclander, conforme to the discipline of the Kirk; that thay sall gif thair ayde and concurrence, everyone of thame within thair awne boundis, for building of thair kirkis; and that thay sall see the ministeris of thair kirkis payit of thair teyndis in kynd appointit unto thame, and peaceablie possest in thair glebe landis; and that thay sall gif way to a commissionair to use his jurisdictioun amangis thame, conforme to the lawis of this realme; and that thay sall use no forder libertie and power over his Majesteis subjectis in materis temporall nor thay haif commissioun frome his Majestie and his Counsell to do."

Band by the same for their obedience in ecclesiastical matters to the regularly appointed ministers, and for co-operation with them in the service of the Kirk, &c.

This day appeared the said persons, and appointed the following domiciles within the burgh of Edinburgh, "quhairat thay declairit thay wer content that all citationis salbe used aganis thame, upoun threescoir dayis wairning, in all and quhatsomevir actionis concerning thame, outher afoir the Lordis of Prevey Counsaill, Sessioun, or Justice:—for the said Hector M°Clayne, the houses of Mr. Alexander King, advocate, and Alexander Cunynghame, agent; for the said Donald Gorme, those of Mr. Thomas Hoip, advocate, and James Logy, agent; for the said Sir Rory M°Cleud, those of the said Mr. Alexander King and Alexander Cunynghame; for the said Lauchlane M°Kynnoun, those of Mr. Robert

Domiciles in Edinburgh fixed for future citations of the said Island chiefs when wanted.

'age 92.

Narne, advocate, and the said Alexander Cunynghame; and for the said M^cClayne of Lochbouy those of Mr. Thomas Maiver, advocate, and the said Alexander Cunynghame. The proviso is made that copies of the citations shall be delivered to the said advocates and agents for the said persons. The Isles, 1608–1623.

Order to the said chiefs.

The Lords order the said persons to remain and not to depart till they have their licence.

Conditions under which Robert Menteith of Eglisha undertakes the service of suppressing the rebellion in Orkney.

"The headis and conditionis quhairupoun Robert Menteith of Eglisha hes undirtane his Majesteis service for suppressing of the present rebellioun in Orknay:—

"The said Robert sall haif ane hundreth men under his Majesteis pay, with a trumpett and herauld to assist him in this service; and he sall haif ane monethis pay presentlie advanceit unto him for his company.

He sall haif ane schip frauchte unto him at his Majesteis chargeis for the transporte of him and his companye.

He sall haif ane ample commissioun for persute of the rebellis and assedgeing of the housis tane be thame, with proclamationis aganis the inhabitantis of Orknay and Caithnes betuix saxtie and saxtene yeiris to concur with him in this service.

He sall haif letteris for chargeing of the haill housis keept within the boundis of Orknay or Zetland aganis his Majestie and his auctoritie to be randerit under the pane of hoirning or treasoun.

He sall haif tua battering peeceis oute of the Castell of Edinburgh for the battering and assegeing of housis; and one of his Majesteis cannonaris salbe send with him to assist him in this service, and to attend and awaite upoun his Majesteis saidis peeceis. Page 93

The said Robert undirtakis this service, and sall persew and assedge the housis and strenthis keept and detenit aganis his Majestie and his auctoritie with all kynd of hostilitie, and sall not leave af the persute of thame quhill thay be recoverit. He sall persew Robert Steuart, base sone to Patrik, sometyme Erll of Orknay, and his compliceis, and hunt, follow, and prosequute thame with fyre and swerd, as rebellis and traytouris to God, thair prince, and cuntrey. Suche of thame as salbe apprehendit he sall execute to the deathe, or then exhibite thame unto the Counsaill; and he sall not leave af the persute of the rest quhill thay be apprehendit, or then expellit furthe of the cuntreyis of Orknay and Zetland.

The said Robert undirtakis to haif his haill company in reddines, and to imbark with thame, wind and wedder serveing, God willing, betuix and the tent of this instant at the farrest; and then sall follow oute his dew course towardis Orknay with all convenient diligence.

Yff ony housis or strenthis in Orknay or Zetland be assedgeit during or within the tyme of the said Robertis commissioun, he undirtakis to raise the seage within xlviij houris after his comeing to these cuntreyis."

Charge to John Stewart, master of the ship called the Post of Leith,

"Forsamekle as, the Lordis of Secrete Counsaill haveing laitlie aggreit with Johne Stewart, maister of the schip callit The Poist of Leythe, for the fraucht of his schip toward Orknay and transport of Page 108.

e Isles, 08–1623.

his Majesteis commissionar and forceis quhilk ar to be send thair for suppressing of the present rebellioun in these boundis and reduceing of the authouris thairof to his Majesteis obedyence, and the saidis Lordis looking that, according to the aggriement maid in this mater, the said schip sould haif bene drest and maid reddie for his Majesteis service,— notwithstanding it is of treuth that the partinaris and awnaris of the said schippe and utheris haveing intres with hir doeth mak some oppositioun and countradictioun to the aggriement maid be the saidis Lordis anent the fraucht of the said schip, and thairby dois quhat in thame lyis to fustrat and disapoint his Majesteis service without remeid be providit: Thairfoir ordanes letteris to be direct chairgeing the said Johnne Stewart to dresse, prepair, and mak reddie his said schip for the ressaveing and transport of his Majesteis commissionar and forceis foir-saidis conforme to the aggriement past with him thairanent, and that he accomplishe and fulfill the said aggriement for his pairt thairof within thrie dayis nixt eftir the charge, under the pane of rebellioun, and yf he failyee to denunce, &c. As alsua to command, charge, and inhibite all and sindrie the awnaris, partinaris, and utheris haveing ado or pretending ony intress to the said ship, that thay nor nane of thame presome nor tak upon hand to mak ony oppositioun, contradictioun, stop, trouble, or impediment to the said Johnne Stewart in the fulfilling and perfyting of the conditioun and aggriement past betuix the saidis Lordis and him anent the fraucht of his said ship, bot that thay suffer and permitt him peaceablie to accomplishe his said bargane and conditioun, under the pane of rebellioun, &c., and, yf thay or ony of thame do in the countrair, to denunce, &c." to fulfil his engagement by getting his ship ready at once for the transport of forces to Orkney, and to the owners of the ship to forward the business.

ge 109.

ge 93.

"The quhilk day George, Erll of Cathnes, compeirand personalie befoir the Lordis of Secreit Counsaill, promeist to send ane hundreth men, weill armed with muscattis and swerdis, over to Orknay under the charge of Henry Sinclair, his bruther, to assist his Majesteis commissionair in the suppressing of the rebellioun of that cuntrey, according as the necessitie sall require and as advertisment salbe gevin and send be Robert Menteith of Eglishaw, his Majesteis commissionair, to the said Henry Sinclair, his bruther, for this effect." 4th August 1614. Promise by the Earl of Caithness of 100 men to assist against the Orkney rebels

"The quhilk day the Lordis of Secreit Counsaill aggreit with Johne Steuart, master of the ship callit the Poist of Leythe, for the fraucht of his ship to Orknay and attending his Majesteis service, upoun the soume of fyve hundreth pundis money on the moneth, and accordinglie *pro rata* so lang as she salbe haldin and keept in his Majesteis service." Agreement with John Stewart for his pay for the services of his ship.

ge 94.

[Sederunt as on page 262.]

"The quhilk day it wes thoght meete and expedient, for mony goode considerationis tending to the furtherance and advancement of his Majesteis service and suppressing of the present rebellioun in Orknay, Edinburgh, 6th August 1614. The Earl of Caithness

nominated for the lieutenancy of the expedition against the Orkney rebels.

that George, Erll of Caithnes, as the persone most meete for that service, inrespect of his awne pouer and forceis and of the freindship he hes in the cuntrey of Orknay, sould be imployit in that service, and delt with to imbrace and undertak the same.

Conditions on which the Earl of Caithness accepts the lieutenancy of the expedition.

" The said Erll being delt with and earnistlie intreatit to imbrace this service, his Lordschip, for testificatioun of his goode affectioun and willing dispositioun to do his Majestie service, imbraceit the said service, and undertooke and promeist to hasard his awne persone and the lyveis of his freindis in the prosequutioun thairof, and to prosequute the rebellis with fyre, swerd, and all kind of hostilitie, and nevir to leave af the persute of thame quhill thay be apprehendit or slayne, or then be plane force constrayned to leave the cuntrey. The personis apprehendit his Lordschip sall either caus execute be way of justice, or then exhibite thame befoir the Counsaill. The housis and strenthis detenit his Lordschip sall persew with all hostilitie, and sall not leaf af the persute of thame quhill thay be recoverit.

" His Lordschip sall haif ane ample commission of lieutennandrie and justiciarie for persute of the rebellis and assegeing of the housis and strenthis tane and detenit aganis his Majestie. And in the said commissioun pouer salbe grantit to him to ressave in favour and to promeis pardoun in his Majesteis name to ony foure, fyve, or sax of the tratouris who will do some notable service to the said Erll worthy of favour, conditionallie that nane of these who salbe ressavit be his Lordschip in favour wer actouris in the first rebellioun quhen the Bischop of Orknay wes his Majesties commissionair in Orknay, and ar not interprisaris and counselloris in this present rebellioun rasit within Orknay.

" The said Lieutennent sall haif proclamationis aganis all betuix saxtie and saxtene personis within the schirefdome of Orknay to concur and assist with his Lordschip in the prosequutioun of this service. Page 95.

" His Lordschip sall haif threescoir souldioris under his Majesteis pay to assist his Lordschip in this service; and thir souldioris sall haif ane monethis pay in hand presentlie delyverit to his Lordschip to be distributit amangis thame; quhilk monethis pay, be agreement betuix the Lordis of his Majesteis Prevey Counsaill and the said Erll, is condiscendit and aggreit upoun to be aucht hundreth pundis; and, yf thay serve langer, thay salbe payit *pro rata*.

" For provyding and furnissing of victuallis and viveris to thir threescoir of souldioris, the tyme of thair being a-schipboorde in thair jornay to Orknay and for some certane space after thair landing, the said Erll sall haif three hundreth pundis money presentlie delyverit unto his Lordschip; and his Lordschip sall lykwayes haif lxvj ℔. xiij ß. iiij đ. presentlie delyverit unto his Lordschip for bying of some poulder and lunt to the souldioris for thair present furnissing; and, quhat forder poulder and lunt salbe requisite for this service, the said Erll sall haif a cair to caus the same be provydit and sufficientlie furneist to the souldiouris in the foirend of thair pây.

he Isles, 08–1623.

" His Lordschip sall haif ane herauld and ane trumpett furneist to his Lordschip, to assist his Lordschip during the tyme of this service, at his Majesteis chargeis.

" His Lordschip sall haif ane cannoun and ane peece for batterie delyverit to his Lordschip oute of the castell of Edinburgh, with all the ornamentis and quhat els belongeth thairunto, and with poulder and bullett, for the furtherance of this service, with tua cannonaris, tua wryghtis, and ane smithe, at his Majesteis chargeis, to attend and await upoun the saidis peeceis, the said Erll being alwayes ansuerable for delyverie of the said cannoun and peece for batterie, with so mutche poulder, leade, and lunt as sall not be spent in this service, to his Majesteis Thesaurair Depute at the finisheing of the service.

" The said Erll undirtakis to be reddy to imbark, God willing, with his companyis betuix and the ellevin of this instant, wind and wedder serving for that effect.

age 109. " Forsamekle as, Robert Stewart, base sone to Patrik, somtyme Erll of Orknay, haveing schaikin af his allegeance and obedyence to his Majestie, and haveing maid schipwrak of his faith, honnour, and credite wharin he stood bundin be his grite and solemne aith not to haif repairit to Orknay and Zetland without his Majesteis licence, he hes of laite, aganis his faith and promeis, repairit to the saidis boundis, quhair he hes associat unto him selff a nomber of insolent and lawles personis, and hes treasounablie surprysit and tane some of his Majesteis housis and strenthis, hes fortifeit the same with men, victuallis, poulder, and bullett, hes inclosit his Majesteis awne castle of Kirkwall, hes raisit and interteynit ane oppin rebellioun within the saidis boundis, and dois quhat in him lyis to alienat and withdraw the haill inhabitantis of that countrie fra his Majesteis obedience, and to participat with him in his foolishe and treasounable coursis, heichlie to his Majesteis offence, and contempt and misregaird of his Majesteis auctoritie; for repressing of whose insolencyis and reduceing of thame to his Majesteis obedience, his Majestie, with advise of the Lordis of Secrete Counsaill, hes past and exped ane ample commissioun of justiciarie to his Hienes richt traist cosing, George, Erll of Caithnes, gevand power to him to repair to the saidis boundis of Orknay and to hunt, follow, and persew with fyre and sword the said Robert Stewart and his associatis and compliceis in maner specifeit in the said commissioun; for the better executioun quhairof necessar it is that the said Erll be substantiouslie and weill accompanyit with a force of his Majesteis good and loving subjectis: and thairfoir ordanes letteris

age 110. to be direct to command and charge all and sindrie his Majesteis liegeis and subjectis betuix saxtie and sextene yeiris, and utheris fensible personis, alsweill dwelland to burgh as land, within regalitie as royaltie, within the boundis of the schirefdome of Orknay, be oppin proclamatioun at the mercat croceis of the head burrowis and townis within the said schirefdome and utheris placeis neidfull, that thay and every ane of thame, weill bodin in feir of weir in thair most substantious and weirlyk

Proclamation for musters to serve under the Earl of Caithness against the Orkney rebels

manner, ryse, pas fordward, and accompany the said Erll be sea and land as thay salbe directit; and to convene and meitt with him at suche dayis, tymes, and placeis, and with sa mony dayis victuallis and provisioun, as thay salbe adverteist be his proclamationis, missive letteris, or utherwise; and, suche of thame as he sall command to furneis spaidis, scholes, mattokis, gavilokis, and suche lyk utheris instrumentis necessair for casting of trinscheis, bigging of gaveonis, and doing of uther serviceis requisit in this busynes, that thay provyd and furneis the same accordinglie; and that thay follow his directioun in every thing tending to the executioun of this commissioun and persute of the saidis traytouris and rebellis; and that thay onnawise remove nor depairt from this service during the tyme of the proclamatioun and warneing to be maid and gevin to thame be the said Erll: under the pane of tynsall of lyff, land, and goodis. As alsua to command, charge, and inhibite all and sindrie his Majesteis liegeis and subjectis be oppin proclamatioun as said is that nane of thame presome nor tak upon hand to ressett, supplie, schaw favour, assist, nor tak pairt with the saidis traytouris, furneis unto thame meit, drink, house, harborie, victuallis, poulder, bullett, nor na uther thing confortable unto thame, nor to haif intelligence, dealing, or traffecque with thame be word, write, or message, under the pane of treasoun; certifeing thame that failyees or sall do in the countrair that thay salbe repute, haldin, persewit, and punist as traytouris with all rigour and extremitie to the terrour of utheris." The Isles, 1608–1623.

Commission to the Earl of Caithness for the service against Patrick Stewart and the other Orkney rebels.

Commission is given to George, Earl of Caithnes, against Robert Stewart, natural son of Patrik, sometime Earl of Orkney, who, with the aid of a number of insolent associates has taken "the castellis and housis of Kirkwall, Birsay, the kirk and stiple of Kirkwall, and utheris housis and strenthis" within the bounds of Orknay and Zetland. The said commissioner is "to convocat his Majesteis liegeis in armes, to levey and tak up thriescoir men of weare under pay, to nominat and appoint capitane, lieutennent, and utheris officeris neidfull over thame, and to conduct and direct thame to the boundis of Orknay and Zetland, be sea or land as he sall think expedient, and to search, seik, follow, and persew with fyre and swerd the said Robert Stewart, his assistaris and compliceis; and [yf] thay or ony of thame be apprehendit, to committ thame to waird and to hald thame thairin quhill justice be ministrat upon thame conforme to the lawis of this realme, or utherwise to bring, present, and exhibit thame befoir the saidis Lordis, as he sall think expedient." For this purpose full powers to hold justiciary courts, &c., are granted to the said commissioner. He is to besiege all castles and houses held by the rebels, and "to use his Majesteis cannonis aganis thame." The commissioner is to be free from all responsibility for disaster incident to the campaign. He is to have power to pardon four, five, or six of the rebels who shall do some "notable peece of service," provided they took no part in the first rebellion in Orknay, when James, Bishop of Orknay, was commissioner. "This commissioun for the space of twa monethis

Page 111.

Page 112.

nixt efter the dait heirof, and farder ay and quhill the same be dischairgit, to indure."

Proclamation of favour and pardon to those who, having been forcibly compelled to join the Orkney rebels, or to give bands to them, will now desist from the treasonable service.

"Forsamekle as, in the rebellioun quhilk hes bene raisit of laite within the boundis of Orknay be Robert Stewart, base sone to Patrik, somtyme Erll of Orknay, and his rebellious complices, aganis oure soverane Lord and his auctoritie, thair hes bene diverse personis prest and inducit be force not onlie to gif bandis for thair concurring and assisting with the said Robert and his rebellious compliceis, bot lykwise the rebellis hes extortit from thame aganis thair willis sindrie thingis necessar and confortable unto thame; and the Lordis of Secrite Counsaill pityeing the estait and conditioun of thir personis who not wilfullie, maliciouslie, and of purpois, bot throughe feare and terrour, hes bene forceit to schaw some favour and contennance and to gif bandis of concurrence to the said Robert, and willing that this sall not be objectit unto thame yf now in tyme thay will gif thair effectuall concurrence and assistance to his Majesteis Lieutennent and Commissionar who is directit to the saidis boundis for suppressing of this rebellioun: Thairfoir ordanes letteris to be direct chairgeing officeris of armes to pas to the mercat croce of Kirkwall and utheris placeis neidfull, and thair to intymie and declair to all and sindrie personis inhabitantis within the boundis of Orknay who hes bene prest and induceit be force to gif thair assistance to the said Robert and his rebellious compliceis, or to gif bandis unto thame for concurring with thame in thair rebellioun, thay not being in present actuall rebellioun with the said Robert, nor guyltie of the supprising, taking, and detening of the housis and strenthis tane be him and his compliceis, that, yf within the space of xxiiij houris after the publicatioun heirof thay will addresse thame selffis to his Majesteis Lieutennent and efauldlie and effectuallie concurre with him in the prosequutioun of his Majesteis service aganis the said Robert and his rebellious compliceis, that thay sall haif his Majesteis pardoun for the favour, assistance, and bandis gevin be thame to the said Robert in manner foirsaid; certifeing thame that sall reject the favour now offerrit unto thame, and sall continew in thair affectioun and concurrence with the said Robert, that thay sall nevir be hard thairefter to beg pardoun nor favour, bot sall be persewit with all rigour and extremitie as traytouris and rebellis to God, thair prince, and countrie."

Charge for surrendering the castle and steeple of Kirkwall and other strengths in Orkney, now held by the rebels.

"Forsamekle as it is understand to the Lordis of Secrite Counsell that Robert Stewart, base son to Patrik, somtyme Erll of Orknay, and some of his rebellious compliceis, hes treasounablie surprisit his Majesteis castle and housis of Kirkwall and Birsay, the place of the Yairdis, the castle and stiple of Kirkwall, and utheris housis and strenthis within the countrie of Orknay, and hes fortifeit the same with men, victuallis, poulder, and bullett, and keepis and detenes the same as housis of weare aganis his Majestie, in heich contempt of his Majestie and misregaird of his auctoritie,—thairfoir the Lordis of Secrete Counsaill ordanis letteris to be direct chairgeing the foirsaidis personis and all utheris havearis, keeparis, and detenaris of the said castle of Kirkwall, the place of the

Yairdis, the place of Birsay, the kirk and stiple of Kirkwall, and of utheris housis and strenthis keept and detenit aganis his Majesteis auctoritie within the saidis boundis, to rander and delyver the same to the herauldis executoris of the saidis letteris, and to remove thame selffis and thair servandis furth thairof, within sax houris nixt efter the charge, under the pane of treasoun, with certificatioun unto thame and thay failyee that thay sall be reput, haldin, persewit, and demanit as traytouris, and the proces and dome of foirfaltour salbe led aganis thame conforme to the lawis of this realme."

In favour of Angus Oig Coll M'Gillespick and others for their good service in recovering the Castle of Dunivaig.

"Forsamekle as, the castle of Dunnyvaig being surprisit and tane be some brokin men of the Yllis, the same wes agane recoverit be Angus Oig M^c^Allester Coill M^c^Gillespick and some in company with him, who in the recoverie thairof slew four of the principall lymmaris who surprysit and took the same, and seing thairin thay haif done good service to his Majestie and ar willing to rander and delyver bak agane the said hous to Andro, Bischop of the Yllis,—thairfoir the Lordis of Secrete Counsaill findis meete and expedient that ane remissioun salbe past and expede to the said Angus Oig Coill M^c^Gillespick and the rest of his compliceis for taking of the said house and utheris crymes committit be thame in tyme bigane."

Edinburgh, 8th August 1614.

Band by MacLean of Coll for his future annual appearance before the Council, and for his loyal behaviour and obedience.

"The quhilk day in presence of the Lordis of Secreit Counsell compeirit personalie M^c^Clayne of Coill, and actit and oblist him that in all tyme comeing he sall compeir personalie befoir the Lordis of Secreit Counsaill upoun the tent day of July yeirlie, yf it be lauchfull, and failyeeing thairof the nixt lauchfull day thairefter following, and rander his obedyence to his Majestie, under the pane of three thousand merkis. As alsua that he sall observe our Soverane Lordis peace, keepe goode reule and quietnes in the cuntrey, and sall not resist the executioun of ony decreitis and sentenceis recoverit or to be recoverit aganis him; and that he sall follow oute all actionis concerning him be the ordinair course of law and justice, and na utherwayes, under the pane of fyve thousand merkis. And siclyke he promeist, actit, and oblist him to gif his ayde and concurrence for building of kirkis within his boundis; and that he sall see the ministeris of the kirkis payit of thair stipendis in kynd appointit unto thame, and peciablie possest in thair glebe landis; and that he sall gif way to a commissair to use his jurisdiction in his boundis conforme to the laws of this realme; and that he sall use no forder libertie and pouer over his Majesteis subjectis in materis temporall nor he hes commissioun frome his Majestie and his Counsell to do. And siclyke the said M^c^Clayne of Coill nominat the duelling housis of Mr. Archibald Achiesoun, advocat, and Hew Peblis, agent in Edinburgh, quhairat he declairit he wes content that all citationis salbe usit aganis him upoun threescoir dayis wairning in all and sindrie actionis and causis concerning him outher befoir the Lordis of Previe Counsell, Sessioun, or Justice, and that he wes content that Page 96.

The Isles, 1608–1623.

the citationis sua to be usit aganis him salbe als lauchfull as yf he wer chargeit personalie or at his duelling place,—with this proviso and conditioun, that copyis of the saidis citationis be delyverit to the said Mr. Archibald Achiesoun, or to the said Hew Peblis."

Continuation of the summons against Maclean of Duart and other Islesmen for reset of Cameron of Lochiel.

The Lords continue to 10th July next the summons against Hectour M°Clayne of Dowart, Sir Rory M°Cleude of Dunveggane, Lauchlane M°Kynnoun of Strathurdaill, M°Clayne of Coill, and M°Clayne of Lochbuy, for reset of Allan Camroun of Lochyell, and for remaining from the army of the Earl of Enyee; and order intimation of the same to be given to the said Earl before the last day of August instant.

Band by Donald Gorme of Slait for his confining himself within Glasgow.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Donald Gorme of Slaitt, and actit and oblist him that immediatlie after his depairting frome the burgh of Edinburgh he sall addresse himself to the citie of Glasgw and remane and keepe warde thair and ane myle aboute the same, and on nawayes transcend the saidis boundis quhill he be fred and relevit be the Lordis of Secreit Counsaill, under the pane of ten thousand merkis."

ge 97.

Edinburgh, 10th August 1614.

Pay for a surgeon for the expedition to Orkney.

"The quhilk day it is thoght meete and expedient be the Lordis of Secreit Counsaill that ane chirurgeane salbe appointit and providit for to attend and awaitt upoun the Erll of Caithnes, his Majesteis Lieutennent direct towardis Orknay, during the tyme of this service, and that the said chirurgeane sall haif for his pay in the moneth threttie pundis, and for his kist and furnissing of druggis meete for chirurgie he sall haif ane hundreth pundis delyverit unto him in present pay."

John Skemure appointed surgeon.

"Johne Skemure, chirurgeane, being send for, and compeirand befoir the saidis Lordis, and offer being maid unto him of this service, he acceptit the service upoun the conditioun abonewrittin."

Commission to Bruce of Cultmalundie and others against any of the Orkney rebels that may repair to Shetland.

"It is thoght meete that ane commissioun salbe past and exped to Laurence Bruce of Cultmalundye, Laurence Sinclair of Burgh, Arthour Sinclair of House, Malcolme Sinclair of Quendaill, and Thomas Blak of Strathlome, for the persute of the rebellis, yf thay salhappin to repair to Zetland, &c."

e 114.

Commission is, accordingly, given to Laurence Bruce of Cultymalindeis, Laurence Sinclair of Burgh, Arthour Sinclair of House, Malcolme Sinclair of Quendall, and Thomas Blak of Strathlome, or any three of them, to apprehend those rebels of Orknay who have gone to Zetland, and to keep them prisoners till further direction be given for their punishment. The commissioners are to besiege them in strengths and houses should occasion require; and they are hereby exonerated from all slaughter, &c. which may take place during the exercise of their commission. "This present commissioun for the space of tua monethis nixt efter the dait heirof bute revocatioun to indure."

97.

Edinburgh, 11th August 1614.

"The quhilk day Robert Lenhop, David Wilsoun, Johnne Seytoun, and Johnne Moubray, skippairis in Leythe, compeirand personalie befoir the

Declaration of Leith skippers concerning the sufficiency of the ship called *Post of Leith* for the Orkney service.

Lordis of Secreit Counsaill, and being deiplie sworne, and demandit upoun thair grite and solemne oathe yf the schip callit the Poist of Leythe, quhairof Johnne Steuart is skippair, and frauchtit for his Majesteis service and for the transporte of his Majesteis Lieutennent and his company and of his Majesteis cannonis to Orknay, be a sufficient strong and goode ship, meete for the said service and able to ressave and delyver his Majesteis cannonis, the saidis personis declairit that, for ony thing thay knew, sho is a very goode ship, and able to discharge the said service at the pleasour of God." Page 98.

Declaration of John Stewart, skipper of the said ship.

"The quhilk day Johnne Steuart, skippair of the schip callit the Poist of Leythe, compeirand personalie befoir the Lordis of Secreit Counsell, and demandit yf he wald be ansuerable that his ship wes able for ressaveing and delyverie of his Majesteis cannonis, the said Johnne declairit that he wald be ansuerable that his ship wes able for that service, and he wald undirtak to ressave the cannonis within his schip and to discharge the ship of thame, he beeing provydit and furneist of thingis necessar for that use."

Provision of a boat to accompany the ship going to Orkney.

"It is thoght meete and expedyent be the Lordis of Secreit Counsaill, for the better furtherance of this service, that ane ferry boit be provydit to await as a pinnace upoun the ship frauchtit for the said service, to ressave the cannoun and artaillerie oute of the ship, and to carye the same a-land; and the Lordis ar informit that Eustatius Robertsonis boit in Bruntyland is very meete for this service; and thairfoir ordanis the baillies of Bruntyland to be chairgeit to caus Eustatius bring his boit heir with all diligence, and ordanis the Thesaurair Depute to aggree with the said Eustatius for the fraucht of his boit."

Loan by Robert Cairncross and others for supply of defects in the said ship.

"Becaus the ship callit the Poist of Leythe frauchtit for his Majesteis service wantis ship peeceis, thairfoir Robert Cairnecroce, mercheand burges of Edinburgh, Robert Lenhop, and David Watsoun, skipparis in Leythe, promeist to len to Johnne Steuart, skippair of the ship foirsaid, the peeceis following,—viz. Robert Carnecroce, tua peeceis, Robert Lenhop and David Watsoun, ather of thame, ane peece."

Pay for herald, trumpeter, wrights, cannoneers, and smith for the Orkney expedition.

"The quhilk day the Lordis of Secreit Counsaill aggreit with the personis particularlie undirwrittin upoun the soumes following for thair monethlie pay during the tyme of this service: that is to say, Robert Winrahame, herauld, his monethlie pay—lx ℔.; Johnne Johnnestoun, trumpetour, his monethlie pay—xx ℔.; James Hammiltoun and Johnne Quhyte, wryghtis, to ather of thame in the moneth—xxiiij ℔.; James Workeman and James Gairdner, cannonaris, to ather of thame in the moneth—xxiiij ℔.; Martine Sheill, smithe, his monethlie pay—xxiiij ℔."

Power to the Treasurer Depute to advance all moneys necessary for the Orkney service.

"The Lordis of Secreit Counsaill understanding that for the outred, dispatche, and furnissing of all thingis necessair for the present expeditioun towardis Orknay thair wilbe a necessitie of advanceing and debursing of moneyis every day quhill this service be accomplisheit and broght to ane end, and becaus the saidis Lordis in this vacant tyme can not convene at every occasioun to gif warrand and directioun for the outred Page 99.

and furnissing of suche necessaris as frome day to day will occur in the service, thairfoir the saidis Lordis ordanis and commandis Sir Gedeone Murray of Elibank, knight, Thesaurair Depute, and the ressavearis of his Majesteis rentis, to advance, provyde, outred, and furneis all and every thing requisite and necessar for this service, and that thay haif a cair that no thing be laiking that apperteyneth to his Majesteis cannonis and artaillerie to be send in this service; and quhat soumes of money salbe debursit in this service the same salbe weele allowit to the said Thesaurair Depute in his comptis."

Charge to the bailies of Burntisland to send Eustatins Robertson of that town to Leith, with his boat and with pieces of artillery, for the use of the skipper of the ship going to Orkney.

"The Lordis of Secrete Counsell, for some speciall considerationis tending to the furtherance and advancement of his Majesteis auctoritie and service, ordanes letteris to be direct chairgeing the bailleis of Bruntyland to caus Eustatius Robertsoun addresse him selff to the porte of Leythe, with his boit callit , weill providit and furnist with all thingis necessar for his Majesteis service, with all possible diligence efter the said charge; and siclyk that the saidis bailleis caus delyverie be maid to Johnne Stewart, skipper in Leyth, who is now imployit in his Majesteis service, of suche peeces of artaillierie presentlie being within the toun of Bruntyland, or within ony shippis lyand in the harborie of Bruntyland, as the said Johnne sall mak choise of for his Majesteis service, within thrie houris nixt efter the saidis bailleis beis chairgeit thairto, under the pane of rebellioun and putting of thame to the horn,—with certificatioun to thame and thay failyee letteris salbe direct *simpliciter* to put thame thairto.

Warrant to the keepers of Edinburgh Castle for the delivery of two guns to the Earl of Caithness for the Orkney service.

For the better execution of the commission given to the Earl of Caithnes in Orknay, "the Lordis of Secrete Counsaill ordanes the capitane, constable, and keeparis of the Castle of Edinburgh to delyver furth of the said castle to the said Erll of Caithnes his Majesteis cannoun callit Throwne Mow, markit with the porcapine, with the stok, quheillis, and all furnitour thairof, and lykwise ane batterit markit with the solamander, with hir stok; quheillis, and uther furnitour, and what els belongeth unto the saidis tua peeceis, upon inventer and upon a note under the said Erllis hand of the ressett of the same: for delyverie quhairof thir presentis salbe unto the said capitane, constable, and keeparis of the said Castle of Edinburgh ane sufficient warrand."

Warrant to James Murray, master gunner of Edinburgh Castle, in the same business.

"Forsamekle as, for recoverie of the housis and strenthis tane and detenit aganis his Majestie within the boundis of Orknay, directioun is gevin to the capitane, constable, and keeparis of the Castle of Edinburgh to delyver furth thairof to George, Erll of Caithnes, his Majesteis lieutennent, the cannoun callit Throwne Mow and ane peece for batterie, with the ornamentis and what els belongis unto thame, and whareas his Majesteis maister gunnar of the said castle, inrespect of his place and office, hes speciall intres in the delyverie of ony munitioun and ordinance furth of the same castle, and best knowis how thay salbe delyverit and what ornamentis appertynis unto thame,—thairfoir the Lordis of Secrete Counsaill ordanes and commandis James Murray, maister gunnar of the

said Castle of Edinburgh, to concurre with the capitane, constable, and keeparis of the said castle in the delyverie of the saidis twa peeceis, and that the said James sie the same delyverit furth of the said castle to the said Erll of Caithnes: viz. the cannoun foirsaid, callit 'Throwne Mow,' markit with the porcapine, with hir stok, quheillis, leddaris, spoungeis, bullettis, and all uther furnitour thairof; and lykwise ane batterit, markitt with the solamander, with hir stok, quheillis, leddaris, spoungeis, bullettis, and uther furnitour requisit; with a grite trane with hailling towis of sindrie soirtis, with pickis, mattokis, gavillokis, querrell mellis, shoillis, tymmer, daillis, treis, and uther furnitour requisit for the outred of the saidis tua peeceis. Quhairanent the extract of thir presentis salbe unto the said James Murray ane sufficient warrand: ordaneing him be thir presentis to delyver the saidis tua peeceis with thair furnitour upon inventar and upon a note under the said Erll his hand bering his ressaitt of the same."

Instructions to the Bishop of the Isles in the matter of the remission granted to Angus Oig Macdonald and others for their seizure of the Castle of Dunivaig.

"The quhilk day the remissioun past and expede to Angus Oig M^{c}Donald, Coill M^{c}Gillespick, Coill M^{c}Ronald, Gillespick M^{c}Ronald, Donald Gorme M^{c}Ronald, Soirl M^{c}Allester [*ante*, p. 705] wes delyverit be the Lordis of his Majesteis Previe Counsell, under his Majesteis Grite Seale, to Andro, Bischop of the Yllis; who ressavit the same upon the conditioun and promeis following: to wit, that he sall offer and caus offer be maid of the said remissioun to the saidis personis, conditionallie that within xxiiij houris efter the said offer thay rander and delyver the Castle of Dunnevaig to the said bischop; and, yf thay refuise and reject the said offer and will not rander to the said bishop the castle foirsaid, the saidis xxiiij houris being bipast, that then the said bischop sall tak instrumentis upon thair refuisall of the said offer and delyverie of the said hous, and sall with all convenient diligence thairefter returne and send bak the said remmissioun to the saidis Lordis, to the effect thay may tak sic ordour thairwith as salbe thoght expedient."

Edinburgh, 12th August 1614.

Consent of the Bishop of Orkney to accompany and assist the Earl of Caithness in his expedition to Orkney.

"The quhilk day, the Lordis of Secreit Counsaill haveing showne to James, Bischop of Orknay, that it wes the Kingis Majesteis will and pleasour that the said Bischop sould accompany his Majesteis lieutennent to Orknay, and assist him with his best advise and counsell in all and every thing whilk might forder his Majesteis obedyence in that cuntrey and suppres the present rebellioun within the same, the said bischop declairit that, althoght he had mony lattis and impedimentis quhilkis might hinder him at this tyme to go to Orknay, yitt, to testifie his affectioun to his Majesteis obedyence and service, and his willing dispositioun to undirgo all panes, travellis, hasard, and perrell in all and every thing quhairwith it sould pleas his excellent Majestie to command him, he wald prefer his Majesteis will, pleasour, and directioun to all his awne privat affairis and bussynes, and that he wald prepair him self and mak him reddy to accompany his Majesteis said lieutennent." Page 99.

Instruction to the Earl of

"The Lordis of Secreit Counsaill haveing a speciall cair and regaird

e Isles, 08–1623.

ge 100.

that his Majesteis service now in handis for suppressing of the present rebellioun in Orknay salbe prosequuted and followit oute with als litle harme, prejudice, and inconvenient to the cuntrey as possiblie may be, thairfoir the Lordis of Secreit Counsaill ordanis and willis George, Erll of Caithnes, his Majesteis lieutennent in this service, to mak choise of some speciall gentilmen of his awne and of the cuntrey people, by whose advise and counsell his Majesteis said service may go fordwart with least harme and prejudice to the cuntrey." Caithness to nominate a Council to assist him with their advice in the Orkney service.

"The Lordis of Secreit Counsaill being suirlie informit that the tratouris and rebellis who hes assedgeit, surprised, and tane his Majesteis housis and strenthis in Orknay, and still yitt intertenyis ane oppin rebellioun in that cuntrey aganis his Majestie and his auctoritie, hes lykwayes sett to the sea ane ship of warre in goode equippage, with men, munitioun, poulder, and bullett, of purpois to prosequute and follow oute thair treasounable rebellioun both be sea and land aganis his Majestie and his auctoritie; and wheras thair is ane schip alreddy frauchtit for the transporte of his Majesteis lieutennent and of his Majesteis cannonis to Orknay for the suppressing of this rebellioun; and the saidis Lordis finding that one ship is not sufficient for this service incaice thair salhappin ony combatt to fall oute be sea: thairfoir, and for the better suirtie of his Majesteis lieutennent, and that he may be the more able alsweell be sea as land to persew the saidis tratouris and rebellis, the saidis Lordis hes fundin and findis it very meete, necessair, and expedient that ane uther ship of warre salbe frauchted to accompany the said lieutennent and to attend and await upoun him during the tyme of this service; and thay haif maid choise of Robert Carnecroce ship, presentlie lyand in Bruntyland. And, the said Robert being send for, and some conference had with him for the fraucht of his ship, the saidis Lordis aggreit with him upoun the soume of aucht hundreth pundis for the fraucht of his ship for ane moneth; and, yf the ship salbe langer haldin in this service, the said Robert sall accordinglie be payit for hir fraucht for samony oulkis or dayis *pro rata* as sho salbe langer in this service. And the said Robert undirtooke to haif his ship in goode equippage, with tuentie able marinaris, weele armed with corslettis and muscattis, and weele providit with poulder and bullet to serve his awne peeceis of his ship, and that sho salbe broght to the harborie of Leythe betuix and Mononday at night. And the saidis Lordis ordanis the Thesaurair Depute to mak payment to the said Robert of the fraucht of his said ship." Agreement with Robert Cairncross for the use of an additional ship necessary for the Orkney service.

e 118.

"The quhilk day in presence of the Lordis of Secrete Counsaill comperit personalie Sir James Stewart of Killeyth, knyght, and desirit that, seing he wes his Majesteis takisman of Orknay and justice and schireff of the countrey, that thairfoir ane warrand micht be past and exped to George, Erll of Caithnes, his Majesteis lieutennent in Orknay, for delyverie of the Castle of Kirkwall and place of Birsay to suche personis as sall haif power and commissioun from the said Sir James to ressave the same; and, for keeping of the saidis housis in tyme comeing, the said Sir Warrant to the Earl of Caithness for the delivery of the Castle of Kirkwall and the house of Birsay, when they shall be recovered, to Sir James Stewart of Killeith, as

his Majesty's tacksman and sheriff of Orkney.

James actit and oblist him to keepe and caus the said Castle of Kirkwall and house of Birsay be suirlie and saiflie keept in tyme comeing in his Majesteis name and to his Majesteis behooffe in suche forme as he wilbe answerable to his Majestie. And, the saidis Lordis haveing hard the said Sir James his propositioun and desyre in this mater, and finding the same to be reassounable, inrespect that he hes actit him selff for the sure keeping of the saidis housis in maner foirsaid,—thairfoir the saidis Lordis ordanes and commandis the said Erll of Caithnes that, howsoone the said Castle of Kirkwall and place of Birsa salbe randerit or recoverit from the keeparis, that he delyver the same to the said Sir James, or suche personis as sall haif warrand and commissioun from the said Sir James to ressave the same. Quhairanent thir presentis salbe unto the said Erll warrand sufficient."

Warrant to the Earl of Caithness to bring to Edinburgh all the artillery and armour found in Orkney and Shetland.

"Forsamekle as ane of the causis quhilk hes procurit the present rebellioun within Orknay and encourageis the rebellis and traytouris to continew thairin is the grite stoir of munitioun, artaillierie, and armour quhilk thay haif fundin in his Majesteis Castle of Kirkwall and place of Birsa, and the Lordis of Secrete Counsell finding it nowise meete nor expedient that the said munitioun, artailliarie, and armour salbe sufferit ony langer to remane thair, bot that the same be broght to his Majesteis Castle of Edinburgh,—thairfoir the saidis Lordis ordanes and commandis George, Erll of Caithnes, his Majesteis lieutennent, to ressave and intromett with the haill artaillierie, munitioun, corslettis, pickis, and all uther armour and provisioun for weare being within the Castle of Kirkwall, the place of the Yairdis, or within ony uther pairt within Orknay or Zetland, quhilkis formerlie pertinit to Patrik, somtyme Erll of Orknay, and to mak ane perfyte and autentick inventair of the same, and to caus put the same in his Majesteis schip and send heir to the port of Leythe with his Majesteis awne ordinance, and delyverit to his Majesteis Thesaurair Depute, or suche as his lordschip sall nominat and appoint to ressave the same, and from that to be send to the Castle of Edinburgh. Page 119. Quhairanent thir presentis salbe unto the said Erll of Caithnes ane warrand sufficient."

Band by the Earl of Caithness for the restoration to Edinburgh Castle of the borrowed guns, &c., after the Orkney service is over.

"We, George, Erll of Caithnes, Lord Sinclair, &c., Lieutennent constitute be oure Soverane Lord, with advise of the Lordis of his Majesteis Previe Counsaill, for repressing of the present rebellioun within Orknay and reduceand of that countrie to his Majesteis obedience, be the tennour heirof grant us to haif ressavit furth of his Majesteis Castle of Edinburgh fra the constable and keeparis thairof ane grite cannoun, callit Throwne Mow, markit with the porcapine, and ane battert marked with the solamander, with haill furnitour, careage, and ornamentis of the saidis peeceis, according to ane inventar maid and sett doun be James Murray, master of his Majesteis workis, and that for the better furtherance of his Majesteis service within the said countrey of Orknay. And we bind and obleis us to haif a speciall cair of the preservatioun of the saidis peeces, and that we sall send thame bak agane,

God willing, in his Majesteis schip frauchtit for this service, and redelyver the same upon the schoir of Leyth, with the first occasioun efter the accomplisheing of this service. In witnes quhairof we haif subscryvit thir presentis with oure hand at Edinburgh the xij day of August the yeir of God j^{m} vj^{c} and fourtene yeiris, befoir this witnes James Prymrois, Clerk of Counsell. *Sic subscribitur*: Caithnes; J. Prymrois, witnes."

Leith, 16th August 1614. Inventory of the ordnance and munition delivered to the Earl of Caithness for the use of the Orkney expedition.

"Inventrie maid at Leyth, the xvj of August 1614, off the ordinance and munitioun, with uther provisionis, delyverit to my Lord Erll of Caithnes, his Majesteis Lieutennent direct to Orknay be his Majesteis directioun in his Hienes service for repressing of ane rebellioun committit thair aganis his Majestie; quhairof the said Erll grantis the ressett, as followis under his Lordschipis handwreate.

"Item, ane cannoun, called Throwne Mouth, marked with the porkanpyne, with hir stok and quheillis, all garnished with yron werk, with hir ladillis, sponge, and worme.

Item, thriescoir of bullettis for the said cannoun.

Item, tua hailling towis of the said cannoun.

Item, ane battart, marked with the solamander, flowre de luce and ef, with hir stok and quheillis, all garnisched with yron work, with hir ladillis, spounge, and worme, with thriescoir bullettis, and tua hailling towis.

Item, auchtene swesis and handspokis and sex weidgeis.

Item, ane pair of feises with hir balk and soall.

Item, of poulder fourscoir tua stane sex pund weyght.

Item, of lwnt fyve stane four pund weyght.

Item, four oxe hydis, and tuelff scheip skyinis.

Item, ane barrell of butter contening ane stane weght.

Item, threttie ane stane ten pund four unce weght of leid.

Item, fyve dusone of schoillis, and sex spaidis, and tuelff mattokis.

Item, fyve gavillokis weyand nyne stane and tua pund weyght.

Item, tua querrell mellis and sex wedgeis.

Item, tua crawyronis.

Item, sex hammeris for wrichtis.

Item, ane pair of smythis belleis, with ane studie weyand stane weyght, with tua foir hammerris, ane hand hammer, and ane pair of tayngis, with the brandering and kowe yron of the belleis, cleif yron, and studie stok.

Item, aucht stane weyght of naillis, grite and small, in ane barrell.

Item, ane litle barrell full of grite garroun naillis.

Item, tua barrell with cuttit yron for hailschott.

Item, fourtie fyve skullis and creillis.

Item, ane hundreth daillis.

Item, fyve dusone of double rooff sparris.

Item, twa hundreth wicker sparris.

Item, tua thousand girth stingis, quhairof ane thousand clowin.

Item, tua hundreth double rungis for letheris.

Item, some grite wyer.

Item, sex grite jestis of threttie futis of lenth.

Item, ane uther jest cutt in ten peeceis for blokis.

Item, fourscoir and sex fadome of grite takill weyand tuenty ane stane and ellevin pund weyght.

Item, threttie fadome of small tow weyand fyiftene pund and ane half.

Item, ane schellop and ane yron bolt.

Item, sex plankis threttie tua fute of lenth.

Item, auchtene naillis for schoune.

Item, sex pair wandbandis.

Item, ane trest; Item, tua rowaris.

Item, ane grite kist with lockis and bandis.

Item, tua grite yron ladillis.

Item, ane grite cart, with wheillis, tramis, axtrie, with virrallis, busheis, and doulbandis. Page 121.

Item, mair sex grite double blokis garnisht with thair scheafis and strapis.

Item, ane handchanyie to the cannoun of the Kingis cullouris.

Sic subscribitur: Caithnes."

Declaration by Sir James Stewart of Killeith of his acquiescence in the transference of the chief command of the business of the suppression of the Orkney rebellion from himself to the Earl of Caithness.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Sir James Stewart of Killeyth, knyght, and exponit and declarit that, he haveing laitlie ressavit ane letter from Robert, Erll of Sommerseat, Lord Grite Chalmerlane of England, proporting that it wes his Majesteis will and pleasour that he sould undertak his Majesteis commissioun for repressing of the present rebellioun within Orknay and reduceing of the said countrie to his Majesteis obedience, that he, for testificatioun of his good affectioun and dispositioun to do his Majestie service, wes verie willing to imbrace his Majesteis said service and to hasard his persone and lyff in the prosequutioun thairof; bot, seing the said service wes undirtane be the Erll of Caithnes and so far advanceit in his persone as his haill forceis and preparationis ar in reddynes and his Lordschip reddie to imbark, God willing, with the first occasioun, and the said Sir James being suirlie informit that the Kingis most excellent Majestie is weill content of the choise maid be the saidis Lordis of the said Erll of Caithnes for this service, and knowing that the alteratioun and change of that commissioun imbraceit be the said Erll can not stand without the grite hinder and prejudice of his Majesteis service, the said Sir James thairfoir declarit that he wes content lykwise in all reverence to acquiesce with his Majesteis goode will and pleasour in that mater, and that he wes reddie outher to serve his Majestie in that imployment or to desist and leave the same, as the saidis Lordis sould think expedient. And the saidis Lordis declarit that it wes not expedient for his Majesteis service that the commissioun foirsaid grantit to the said Erll of Caithnes sould be alterit or changeit."

Isles, 8–1623.

e 122.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Sir Rory M^cCleud of Dunveggane, and actit and oblist him that he sall compeir personalie befoir the Lordis of Secreit Counsaill upoun the first day of December nixttocome, and that betuix and the said day he sall do his best diligence to gett in his handis Donald M^cAngus V^cIntagart, Malcolme M^cRory M^cCleud, and Donald M^cAngus, and that he sall reporte unto the saidis Lordis the day foirsaid his diligence whilk he sall do and use in the premisis, under the pane of tuentie thousand merkis." "S. R. MACLEOID, [*autograph*]." Edinburgh, 25th August 1614. Band by MacLeod of Harris for his diligence for the apprehension of rebel Islesmen.

Sederunt—Chancellor; Secretary; Treasurer Depute; Advocate. Edinburgh, 1st October 1614.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Bryce Semple, and delyverit unto the saidis Lordis ane missive letter direct unto thame frome Andro, Bischop of the Yllis, proporting and bearing the forme and maner how the said Bischop and his company hes bene usit in Ila be the rebellis who surprisit and keepis the place of Dunnyvaig. And, wheras the said missive letter contenit credite to be gevin to the said Bryce, bearair thairof, the said Bryce declairit that his credite was to shawe to the Lordis that the desyre of the rebellis wes to haif ane nynetene yeir tak of Ila consavit in favour of the Bishop of the Yllis for yeirlie payment of aucht thousand merkis; and thay wald tak thair rightis frome the Bischop, and find him sufficient suirtie of inlandis men and heylandaris for payment of the said yeirlie dewitie of aucht thousand merkis; and, this being performit unto thame, thay wald delyver to the said Bischop his pledgeis tane be thame frome him." Delivery by Bryce Semple of a message from the Bishop of the Isles as to the terms on which the holders of the Castle of Dunivaig offer to surrender the Castle.

Renewal of commission of Lieutenancy is granted during his Majesty's pleasure to the Earl of Caithnes.—The Earl "hes behavit himselff with suche curage, foirsight, wisdome, and dexteritie as the haill housis and strenthis tane and detenit be the rebellis ar recoverit and the principallis of the rebellis thameselffis apprehendit; of whome some ar send heir to abyd thair tryall, and the rest of thame ar yitt in the said Lieutennentis handis and keeping within the countrey of Orknay. And, seing this service is not yitt fullie accomplischeit and endit, thair being no ordour as yitt tane for the governament of the countrie and reteyning of the same under obedience, nor yit anent the keeping of his Majesteis housis and strenthis within the said countrie, and nane of the rebellis and traytouris being as yit tryit and examplarlie punneishit according to thair deserving, in the quhilkis pointis the said Erll could nowise proceid, inrespect the commissioun of lieutennandrie grantit unto him is now expyrit and outrun:" therefore full commission is given to the said Earl to govern the sheriffdom of Orkney, to pursue all rebels and put them to trial, to besiege all houses in their hands, and to place constables and keepers in the castle of Kirkwall and the place of Birsay. Edinburgh, 10th October 1614. Renewed commission of lieutenancy in Orkney and Shetland to the Earl of Caithness, in order that he may finish the business he has conducted hitherto with so much success.

e 123.

e 124.

22nd October 1614.

"Advise gevin be the Lordis of his Majesteis Previe Counsaill to the Laird of Caddell, his Majesteis Lieutennent in Ila, anent his proceidingis in his Majesteis commissioun aganis the rebellis detenaris of Dynnevaig and thair compliceis, and uther malefactouris within the boundis of his Majesteis commissioun. 22nd Oct. 1614. The Isles, 1608–1623. Page 125.

Instructions to the Laird of Caddell for his conduct in the exercise of his commission for the recovery of the Castle of Dunivaig and the suppression of the insurrection in Islay.

"Since his Majestie hes trustit you with this charge, and hes tane so substantious ordour for furneissing sex cannonis, with all requisit provisionis, and two hundreth waiged souldiouris, to assist you in that charge, it is expedient that ye prepair sufficient nomber of able and weill armed men to serve you in this employment, with all necessaris requisit for assedgeing the house of Dynnevaig and persute of his Majesteis rebellis Page 126. be sea and land, so as no provisioun of armes, poulder, victuall, bullett, fewall, boates nor na utheris necessaris meete for that service, be laiking; to the effect that his Majesteis Inglishe companyis who ar to sie and observe your actionis may find no defect of thingis necessar and seamlie for a man trustit with so honnourable a charge.

"In your going to Glasgow, delyver to the Archbischop and to the Provest and Bailleis oure letter, and confer with thame anent the best and reddiest meanes to move some honnest and responsall marchantis of of the toun or countrie to carie some flour or biscuite, with sufficient store of goode ait maill, and goode drinking beir, yf it may be haid, and, failyeing thairof, good aill that will keepe weill, with salt and coillis, to be transportit be schip to Yla for furneissing of his Majesteis Inglishe soldiouris, at reasounable raites and reddie payment to be maid be the saidis souldiouris; with assuirance to the marchantis that, yf ony accident mak thair voyage not to be sufficientlie proffitable to thame, that such consideratioun salbe haid and acknawledgement gevin to thame for thair losses be my Lord Thesaurair Deput as, be informatioun from my Lord of Glasgow and the Magistratis of that burgh to the Lordis of Secrete Counsell, salbe fund ressounable.

"Be cairfull to undirstand the dyett of his Majesteis companyis to be send to Ila with the cannoun; and keepe correspondence be letter and message with the Lord Deputie of Yreland and thair commanderis; useing all diligence to be in the yle with your forceis befoir thair comeing tither, to the effect that, yf [it] pleis God, you may end the service to your awne honnour and his Majesteis thankis befoir thair comeing, and so, spairing thair travell and his Majesteis chairgeis, you may merite the more favour from his Majestie.

"And, yf thay come to the yle, tak strick ordour that your people abstene from geving thame ony offence be word or deid; and, be the countrair, command thame to dispose thame selffis to gif the souldiouris all confort, aid, and freindlie assistance and quhatevir salbe necessar ather for advancement of the service or thair reasounable ease and releiff may be procurit with all diligence; and to that effect that your men, boitis, and all freindlie meanes be reddelie imployit.

Isles, 8–1623. ge 127.

"It is necessar that, according to his Majesteis directioun, the house be of new chairgit solemlie and ordourlie, as als that the detenaris and refuisaris to rander be denuncit rebellis.

"You most also charge the tennentis of the yle to compeir befoir the Counsell and find cautioun to observe his Majesteis peace and for thair compeirance so oft as thay salbe chairgit.

"Suche of the rebellis as God sall bring in your handis, you most [be] cairfull to examine thame verie exactlie for discoverie of the personis who wer upon the first divise of thair treasounable rebellioun and taking of the house of Dynnevaig, and who hes sensyne encouragit thame be counsell, help, or assistance to persist in thair rebellioun.

"Use all possible cair and dexteritie to reteir saulflie out of thair handis the Laird of Rampherlie and the Bischop of the Yllis sone.

"Yf ather thair yeilding or force sall bring the hous in your pouer, place thairin ane sufficient nomber of faithfull and skilfull men, to whome you may trust the saiff keeping of the house quhill his Majesteis pleasour may be knawine; and latt thame be furnist with all necessaris that may enable thame to keepe it.

"Becaus thair is ane nomber in the countrie who, haveing assistit the traytouris, ar not in the hous (whiche is not able to conteyne the haill nomber), be cairfull to apprehend als many of these as ye can, and use thame as thay haif deservit.

"You knaw his Majesteis mynd anent the principall rebellis.

"Befoir you leave the ile, setle perfyte ordour for establisheing and manteyning his Majesteis peace and obedience in it, and for protecting the peaceable inhabitantis from injurie.

"It is expectit that ye will try thair consultationis aganis the Bischop of the Yllis, his Majesteis lieutennent, and all that usit dissobedience, rebellioun, and violence aganis him, and proceid with thame as ye sall think expedient for his Majesteis honnour and obedience.

e 128. "Yf rebellis leave the house and yle and flie to ane uther pairt of the Yllis or Hielandis for thair sauftie, use your uttermost indevoir for thair searcheing and apprehensioun; and, yf ye learne of thair going to Yreland or ony uther pairt of his Majesteis dominionis, adverteise suche as hes chairge from his Majestie of the placeis of thair refuge, that thay may be persewit and apprehendit.

"Suche of the countrie people as haif accompanyit the rebellis or furnist thame with commoditeis or intercommonit with thame not voluntarlie, bot be compulsioun or just feir, must [be] usit with discretioun and reasounable favour.

"Faill not to send verie frequent adverteismentis to the Counsell of all your proceidingis, and of your good succes in your charge; quhilk we pray God to prosper.

Sic subscribitur: Bining; R. Cockburne; Sir G. Murray; Oliphant."

"After oure verie hairtlie commendationis to your good Lordschip:— Upoun occasioun of some rebellioun reasit of lait within Yla by certane

Letter to the Lord Deputy of Ireland,

requesting his diligence in attending to his Majesty's instructions for the dispatch of men and cannon from Ireland to co-operate with the Laird of Caddell for the suppression of the rebellion in Islay.

rebellis thair aganis the Kingis Majestie, and the difficultie of transporting frome hense of cannonis for suppressing thairof by reasoun of the lang and uncertane passage be sea, it hes pleasit his Majestie (as by his letter his Majestie hes signifeit unto us) to gif directioun to your Lordschip to send frome the[n]se to Yla in a schip sex cannonis and tua hundreth auld trayned souldiouris, for attending Sir Johnne Campbell of Caddell, knyght, his Majesteis Lieutennent in this service. And, whereas the present seasoun of the yeir, and his Majesteis earnist desyre to haif his service haistelie prosequute and followit out, cravis haist and diligence to be usit thairin, we ar thairfore earnistlie to requeist your good Lordschip to gif a present and quick dispatche in this business, sa as the schip, with the cannoun and souldiouris, may be at Yla with the first occasioun; quhair his Majesteis Lieutennent with his forceis will attend thame, and in everie thing quhilk may forder and advance this his Majesteis service, thay will find a verie freindlie and hairty correspondence in the said Lieutennent; unto whome your Lordschip wilbe pleasit to write your awne letteris, acquenting him with the directioun and chairge gevin to your people in this service, whom he will accord- Page 129. inglie respect with all suche dewtyis of love and kyndnes as apperteyneth. So, with the rememberance of our hairtie love and kyndnes unto your good Lordschip, we rest.—*Sic subscribitur* your Lordschipis verie loveing and assuired good freindis, Bynning, R. Cokburne, Sir G. Murray, Sir W. Oliphant. Daitit at Edinburgh, the xxij day of October 1614."

Proclamation for armed musters in Argyleshire and other parts of the West of Scotland for attendance on the Laird of Caddell in his service against the Islay rebels.

"Forsamekle as—Angus Oig M^{c}Coneill, sone to umquhile Angus M^{c}Coneill, callit of Dynnevaig, haveing schaikin af all feir of God and his allegeance to the Kingis Majestie, and, according to the unhappie treade of his wicked predicessouris, haveing resolvit, so far as in him lay, outher be force or policie to disturb the peace and quyet of the Yllis, quhilk his Majestie with so grite panes and travellis hes satled under his Majesteis obedience, for this effect, in the monethe of Marche last, he causit his awne bastard bruther, Ronald Oig M^{c}Coneill, treasounablie to supprise and tak his Majesteis castle and fortalice of Dynnevaig in Yla fra the reverend father in God, Andro, Bischop of the Yllis, who had the charge and keeping thairof: And, the said Angus falslie and treacherouslie pretending that he wald do some peece of service to his Majestie by recoverie of the said house fra his said bruther, whome he onlie usit as ane instrument to be the first authour of his rebellioun, and by whois counsaill, ayd, and assistance he hes prosequute and followit out the same rebellioun sensyne, he in a simulat manner maid a pretendit forme of persute and asseding of the said house; and, the same being recoverit, he, to gif a farder schaw and apperance of the sinceritie and integritie of his proceidingis in that mater, causit four of the said Ronald his compliceis who assistit him in the taking of the said house to be schamfullie and cruellie murdreist and slayne: And, althocht in all this tyme nothing wes expectit of him bot a dewtifull cariage and behaviour for his Majesteis service, and that his Majesteis house sould

e Isles,)8–1623.

haif beene delyverit quhenevir he sould haif bene chairgit to that effect, notwithstanding it is of treuth that the said Angus verie inpudentlie and treasounable refuisit to rander the said house quhen he wes chairgit be his Majesteis letteris to that effect,—for the quhilk he and some of his rebellious compliceis ar denuncit rebellis and put to the horne,—and immediatlie thairefter thay fortifeit the said house with men, victuall, poulder, [and] bullett, and hes keepit the same, as he dois yitt, as ane hous of wearr[e] aganis his Majestie and his auctoritie. And, whereas it

ge 130.

wes falslie pretendit be him and his compliceis that thair keeping of the said house proceidit upon feare apprehendit be thame that the taking thairof without commissioun micht bring thame under the dangeir of the law, his Majestie, for removeing all suche mater of suspitioun and feir from thame, wes gratiouslie pleasit to grant unto thame his Majesteis favour and pardoun for all thair bigane offensis, conditionalie that thay wald rander the said house [*ante*, pp. 705, 710]. And, the said bischop, authorized with his Majesteis commissioun of lieutennendrie and justiciarie, haveing laitlie in the monethe of September last past to the Yllis, and haveing send commissionaris to the said Angus and his compliceis with offeris of his Majesteis said pardoun, thay, at the first seameing to imbrace the same, desyrit that the said bischop wald come him selff and deale with thame in that busynes, upoun promisis and oathis gevin be thame for his suirtie both in his comeing and returneing. And, he geving trust to thair promisis, and haveing reparit to Yla with a nomber of gentilmen of his freindschip, how soone the said Angus and his compliceis persavit him to be in thair reverence, and that thay micht be maisteris of him and his company, thay then most disdanelie and unworthelie rejectit and contempnit his Majesteis grace, favour, and pardoun offerrit unto thame, and come in hostile and wearrelyk manner aganis the said bishop, brack his boitis, quhairthrow he nor nane of his companie could eschew, threatinit him selff and his company with present death and massacar, and compellit him, for saiftie of his lyff and the lyveis of these who wer in company with him, to capitulat with thame upon sindrie headis and conditionis most schamfull and ignomini[o]us; and for performance thairof causit him to delyver unto thame as pleadgeis Mr. Knox, his awne sone, and Knox of Rumpherlie, his nephew; whome thay yitt keep and detene as prisonnaris. Quhilkis treasonable doingis being notifeit unto his Majestie, and his Majestie finding it mater tuiching him verie heichlie in honnour that suche a handfull of miserable catives sould so lang be sufferrit to ryn louse without controlment, his Majestie thairfoir hes resolvit by the force and strenth of his royall power and auctoritie to suppres thair rebellioun and to reduce thame to obedience, and hes committit the trust and charge of this service to his richt trustie and weilbelovit Sir Johnne Campbell of Caddell, knyght, and hes exped unto him ane ample commissioun of lieutennandrie to that effect. For the better executioun

ge 131.

quhairof it being necessar that he be weill and substantiouslie

accompanyed with a force of his Majesteis good subjectis, thairfoir his Majestie, with advise of the Lordis of his Secrete Counsell, ordanes letteris to be direct to command and charge all and sindrie his Majesteis liegeis and subjectis betuix sextie and sextene yeiris, and utheris fensible personis, alsweill duelland to burgh as to land, within regalitie as royaltie, within the boundis of the schirefdomes of Ergyle and Tarbett, and within the countreis and upon the landis of Morverne, Garloche, Ardgour, and Lochaber, be oppin proclamatioun at the ordinar and accustomed placeis within the saidis countreyis, that thay and every ane of thame, weill bodin in feir of weir in thair most substantious and wearrelyk manner, prepair thame selffis and be in reddynes, with thair lumfadis, boitis, gaylayis, scoutis, and birlingis, to convene and meit with the said lieutennent at suche dayis, tymes, and placeis, and with sa mony dayis victuallis and provisioun, as thay salbe adverteist be his proclamatioun to be maid and publist to that effect, upon aucht dayis warneing, or be his missive letteris to be direct and send to thame; and that thay follow his directioun in all and every thing tending to the executioun of this commissioun and furtherance of his Majesteis auctoritie and service, both with thair personis and with thair boitis, lumfadis, galayis, scoutis, and birlingis; and that thay onnawise remove nor depairt fra the said service during the tyme of his proclamatioun or appointment to be maid be him be his missive letteris, under the pane of tinsall of lyff, landis, and goodis. And siclyk to command, charge, and inhibite all and sindrie awnaris, masteris, and boitmen of quhatsomevir lumfadis, boitis, scoutis, and birlingis, that nane of thame presome nor tak upoun hand to repair oute of Yla, nor to repair to the same with thair lumfadis, boitis, scoutis, galayis [and] birlingis, during the tyme of this service, without licence of his Majesteis lieutennent had and obtenit to that effect, under the pane to be punist be the said lieutennent be wairding of thair personis and distroying and brecking of thair lumfadis, boitis, scoutis, and birlingis at his pleasour." The Isles, 1608-1623.

Commission of lieutenancy to Sir John Campbell of Caddell for the suppression of the rebellion in Islay.

Preamble repeating the story of the Islay Rebellion, with additional particulars, as follows:—"Forsamekle as, his Majesteis castle and fortalice of Dynnevaig being in the monethe of Marche last surprisit and tane frae the reverend father in God, Andro, Bischop of the Yllis, and his servandis, be Ronald Oig M°Donald, base sone to umquhile Angus M°Donald, callit of Dynnevaig, the same castle wes schortlie thairefter recoverit fra him be Angus Oig M°Donald, lauchfull sone to the said umquhile Angus, who falslie and treacherouslie pretending that the respect and regaird of his Majesteis obedience and service movit him to interpryse the recoverie of the said house fra the said Ronald, and that he had no uther purpois nor intentioun bot simplie to redelyver the same to the said bischop or ony utheris whom his Majestie and his Counsell wald appoint to ressave it, and trust being gevin unto him in this mater, and no thing les being expectit then ony suche treasoun, falshoode, and dissait as sensyne he hes professit, notwithstanding it is of treuth that he, being unworthie Page 132.

e Isles, 8–1623.

of ony credite or trust, and following the wicked and unhappie courseis of falshoode, dissimulatioun, and perjurie whairwith his false and disloyall predicessoris wer so weill acquentit, he hes gevin cleir obedience and prooffe that the first surprise and taking of the house be the said Ronald wes done be his speciall causing, directioun, and informatioun, in so far as not onlie hes he and the said Ronald joyned togidder and bandit thame selffis in the rebellioun, and hes refusit to rander and delyver the said house whenas thay wer chairgit for that effect be his Majesteis letteris,—for the quhilk thay, and Coill M°Gillespick, ane of thair rebellious compliceis, ar denuncit his Majesteis rebellis and put to the horne,—bot with that thay haif fortifeit the said house with men, victuallis, poulder, [and] bullett, with purpois and resolutioun to keep the same house as ane house of wearre aganis his Majestie and his auctoritie: and, whereas [thay] falslie gaif oute that thair keeping of the said house proceidit upoun a feir apprehendit be thame that the taking thairof without warrand or commissioun micht be impute to thame as ane cryme and so draw thame within the dangeir of the law, his Majestie, for removing all suche caus of feir or suspitioun fra thame, wes gratiouslie pleasit to grant unto thame his Majesteis pardoun for all thair bigane offensis, conditionalie that thay wald rander the said house to the said bishop as his Majesteis lieutennent, conforme to thair promisis fra tyme to tyme maid to that effect; and, the said bischop haveing laitlie in the monethe of
133. September last past to Yla, and haveing maid offer to the saidis rebellis of his Majesteis pardoun and favour grantit unto thame, and looking that thay accordinglie wald haif randerit thair obedience to his Majestie and maid delyverie of the castle foirsaid, nevirtheles thay, being most unworthie of ony suche favour as wes offerrit unto thame, did not onlie most undewtifullie reject, disdane and comtempne his Majesteis grace and favour, bot, to his Majesteis farder contempt, thay, and Ronald M°James M°Donald, Donald Gorme, his sone, Ronald Oig M°Allester, Johnne M°Coneill, Ronald M°Soirll, Soirll M°Brume [Braine ?], Malcolme M°Ilfersane, Hector M°Cerishe, M°Eane, somtyme maister [of] houshald to umquhile Angus M°Coneill of Dynnevaig, Coill M°Ronald, Archibald M°Ronald, Soirle M°Allester, Malcome M°Cleud, Allester M°Eane, Angus M°Achane *alias* M°Allester, who ar all combyned and bandit togidder in this most treasounable rebellioun aganis his Majestie, did amasse togiddir and associat unto thame selffis the haill inhabitantis for the most pairt of the yle of Yla, armed with muscattis, hagebutis, and uther wearrelyk armour. And, first haveing most falslie, treacherouslie, and simulatlie haldin the said bischop in fair termes, as yf no thing had bene intendit be thame bot in all humilitie to beg and seik peace, in end, quhen thair haill power and forces wer joyned togidder to the nomber of sevin or aucht scoir of personis, thay then in the nicht addrest thame selffis to the pairt quhair the said bischop and his company lay. And first thay brack his haill boitis, quhairthrou thay nor nane of thame micht eschew, and then lay about the bishop and his company all that nicht; and

upon the morne thay in oppin hostilitie kythit thame selffis aganis him with mony threatening and minassing speicheis to haif massacred him and his haill company, and in end forcit and compellit him, for eschewing of thair rage and furie, to rander unto thame his awne sone and his nephew as pledgeis that he sould do and performe suche conditionis as thay injoyned unto him."—There is therefore full commission to Sir Johnne Campbell of Caddell, knight, to be his Majesty's lieutenant and justice in Yla, with the customary powers of levying the lieges, of apprehending the rebels, of besieging the castle if necessary, of holding courts, of taking order for the peace of Yla and for the retention of the castle, and of controlling the entire communication with the island during the said service. The commissioner is also freed from all responsibility for accidents to the rebels during the execution of his commission. Page 134.

Charge to Angus Oig Macdonald and others to surrender the Castle of Dunivaig.

"Forsamekle as Angus Oig M°Coneill and some of his rebellious and traterous compliceis hes surprisit and tane his Majesteis castle and fortalice of Dynnevaig, hes fortifeit the same with men, victuallis, poulder, and bullett, and intendis to keepe the same as ane house of wearre aganis his Majestie and his auctoritie, and sua to disturb the peace and quyetnes of his Majesteis propper ile of Yla, without remeid be providit,—thairfoir his Majestie, with advise of the Lordis of his Secreite Counsaill, ordanes letteris to be direct to officeris of armes, schireffis in that pairt, chairgeing thame to pas, command, and charge the said Angus and all utheris havearis, keeparis, and detenaris of the said castle, tour, and fortalice of Dynnevaig to rander and delyver the same to the officer executor of the saidis letteris, and to remove thame selffis and thair servandis thairfra within sex houris nixt efter the charge, under the pane of treasoun, with certificatioun to thame and thay failyee thay salbe repute, haldin, persewit, and demanit as traytouris, and the proces and dome of forfeytour salbe led aganis thame conforme to the lawis of this realme and actis of Parliament." Page 136.

Charge to such inhabitants of Islay as may be named by the Laird of Caddell to appear before the Council and answer for their conduct.

"The Lordis of Secrite Counsaill, for certane causis and considerationis moving thame, tending to the observatioun of his Majesteis peace and keeping of good rewle and quyetnes within his Majesteis proppir landis and yle of Yla, ordanes letteris to be direct to officiaris of armes, schireffis in that pairt, chairgeing thame to pas and in his Majesteis name and auctoritie command and charge suche personis, tennentis, and inhabitantis within the said yle, as salbe gevin to thame in bill and roll under the hand and subscriptioun of Sir Johnne Campbell of Caddell, knyght, his Majesteis lieutennent in Yla, to compeir personalie befoir the saidis Lordis upon the day of nixtocome, to undirly suche ordour as salbe prescryvit unto thame tuiching thair finding of cautioun for thair dewtifull behaviour and observing of his Majesteis peace in tyme comeing, under the pane of rebellioun and putting of thame to the horne; with certificatioun to thame and thay failyee letteris salbe direct *simpliciter* to put thame thairto. Page 137.

Proclamation of pardon to

"Forsamekle as, upoun occasioun of the present rebellioun raised

'he Isles, 608–1623.

aganis oure soverane Lord within his Majesteis propper landis and yle of Yla be Angus Oig M^cConeill and his rebellious compliceis, it hes pleasit his Majestie, for the better reduceing of that yle to his Majesteis obedience, to gif ane ample commissioun of lieutennandrie to his trustie and weilbelovit Sir Johnne Campbell of Caddell, knyght; and whereas it is verie probable and lyiklie that a grite nomber of the inhabitantis of that yle hes bene constranit and forcit aganis thair will, and not of thair awne propper motive and consent, to joyne with the said Angus and to assist him in his rebellioun; and his Majestie being gratiouslie movit with pitie and commiseratioun of thir poore people, and being loath that thay sall undergo the lyk rigour and course of justice with the principall actoris and cheif ringlederis in this rebellioun, yf yitt in tyme thay will imbrace his Majesteis favour now offerrit unto thame and assist his Majesteis said lieutennent in this service: thairfoir his Majestie, with advise of the Lordis of his Secrete Counsell, gevis power and commissioun to the said lieutennent to ressave in favour, and in his Majesteis name to promeis pardoun and remissioun to, all suche inhabitantis within the said yle as ar not guyltie of the surprise, taking, and detening of his Majesteis castle of Dynnevaig, and of the persute and invasioun of the reverend fader in God, Andro, Bischop of the Yllis, his Majesteis lieutennent for the tyme, and forceing of him to delyver pleadgeis, and who, within xxiiij houris efter the publicatioun and intimatioun of thir presentis unto thame, will leave the said Angus and his rebellious compliceis, and efauldlie and trewlie joyne with his Majesteis said lieutennent, and assist him in his service,—quhilkis remissionis swa to be promeist be the said lieutennent to the personis of the rank and qualitie foirsaid salbe exped and grantit unto thame accordinglie. And his Majestie, with advise of the saidis Lordis, ordanes letteris to be direct to mak publicatioun heirof be oppin proclamatioun at all placeis neidfull, quhairthrou nane pretend ignorance of the same, certifeing all and sindrie personis who sall contempne and neglect the favour now schawne and offerrit unto thame that thay sall nevir be hard thairefter, bot salbe persewit and punist as rebellis and traytouris with all rigour and extremitie."

such of the Islay rebels, not principals, as have been drawn into the rebellion against their will.

ge 138.

Preamble, as above, in reference to the rebellion of Angus Oig M^cConeill and his accomplices.—"So his Majestie hes resolvit by a royall power and force in suche examplair manner to suppres and punishe the same as salbe a terrour to all utheris rascallis and villanes to fall in the lyk offence heirefter. And, to the effect that nane of his Majesteis subjectis be ignorantlie inducit to confort the rebellis with ony kynd of supplie or releiff, and to involve thame selffis in the guylt of thair treasonis, the Lordis of Secrete Counsell ordanes letteris to be direct to command, charge, and inhibite all and sindrie his Majesteis liegeis and subjectis, be oppin proclamatioun at all placeis neidfull, that nane presome nor tak upoun hand to ressett, supplie, nor intercommoun with the said Angus Oig nor nane of his rebellious compliceis, furneis unto thame

Edinburgh, 26th October 1614. Proclamation against reset of the Islay rebels.

'e 139.

meitt, drink, house, harborie, nor na uther thing confortable unto thame, nor haif intelligence with thame privatlie nor publictlie be word, write, or message under quhatsomevir cullour or pretence, under the pane of dead: certefeing thame that failyees or dois in the contrair that thay salbe takin, apprehendit, and punist to the dead without favour." The Isles 1608-1623

Proclamation of pardon to any of the Islay rebels that may show their penitence by securing the release of the captive pledges or by delivering up a rebel comrade, and of pardon to Angus Oig Macdonald himself if he shall surrender Dunivaig Castle, release the pledges, and deliver up two of his rebel associates.

Preamble, as before, anent the rebellion of Angus Oig M^{c}Coneill and his accomplices:—"It is verie probable and licklie that some of these who hes joyned with the said Angus and assistis him in this rebellioun hes auther bene induceit thairunto by craft, policie, and sinister informatioun, and not of thair awne propper motive and consent, or then upon just feare and dreadour being forcit thairunto for fear of thair lyveis be the said Angus. And, his Majestie being gratiouslie movit with commiseratioun of the people, yf yitt in tyme thay will repent thame of thair treasounable and foolische proceidingis and procure his Majesteis favour and pardoun by some notable peece of service to be done be thame, thairfoir his Majestie, with advise of the Lordis of Secrete Counsell, promisis and declairis be thir presentis that, yf ony one of the said Angus compliceis will releve ony of the pledgeis now keept and detenit be him, Page 140. and will put the said pledge at full libertie, sua that he may pass quhair he please without dangeir, or utherwise will exhibite and delyver the pledge relevit be him to Sir Johnne Campbell of Caddell, knycht, his Majesteis lieutennent, that the persone procurar of the libertie and releiff of the said pledge sall haif his Majesteis pardoun and remissioun grantit unto him; and siclyk that all and every suche persone or personis, assistaris and compliceis with the said Angus, as will leave the said Angus, and come to the said lieutennent, and present unto him ane of thair associatis of als good rank and qualitie as thame selffis, that every suche persone, presenter of his associat of the rank and qualitie foirsaid, sall lykwise haif his Majesteis gratious favour and pardoun. And, tuicheing the said Angus Oig himselff, yf he will delyver unto his Majesteis said lieutennent the foirsaid castle of Dynnevaig, the tua pleadgeis abonewrittin tane and detenit be him, with tua of his associatis of the qualitie foirsaid, that he sall haif his Majesteis favour and pardoun grantit unto him. And ordanes letteris to be direct to mak publicatioun heirof to the saidis personis, quhairthrou thay pretend no ignorance of the same."

Appointment of Archibald Campbell to be agent for all persons in the Highlands who, being at the horn for past offences against the peace there, are desirous of compounding for the same and obtaining pardon, but have hitherto been prevented

"Forsamekle as, the West Yllis and utheris Heichlandis of this kingdome haveing bene for the most pairt heirtofoir barbarous, brokin, and subject to grite enormiteis and dissobedience, so as the inhabitantis thairof ar guiltie and culpable of suche crymes and transgressionis as in the severitie of law may bring thair lyves and goodis within the compas of his Majesteis dangeir, nevertheles, his Majestie being evir mercifullie inclynit oute of his princelie clemencie rather to pitie then to punische with rigour the faultis of heichest offendouris, and understanding that a grite nomber within the boundis foirsaidis remanis rebellis and at the horne, not throught contempt, bot becaus, thame selffis being disabled, thay ar lykwise destitute of a certane addres and persone to prefer thair

he Isles, 608–1623. age 141.

pardonis, compone for thair escheitis, and procure thame selffis to be relaxt from the horne; and his Majestie being cairfull to provyd for the weill of thir people, and to remove that occasioun whairby thay do continew in thair rebellioun throw default of a certane addresse and persone to attend thair adois as said is; and his Majestie haveing prooffe and experience of the sufficiencie of his trustie servitour Archibald Campbell, and how cairfullie he hes dischairgit him selff in sindrie his Majesteis imploymentis formerlie committit to his chairge and truste, and finding him to be a persone most able and meit to attend and dispatche the affairis and adois of the saidis yllismen and hielanderis, both in regaird of the frequent accesse he hes to his Majesteis presence, and of his commoun and ordinarie attendance upoun his Majesteis Counsell heir: Thairfoir his Majestie, with advise of the Lordis of Secrete Counsell, hes maid speciall choise of the said Archibald Campbell to be the preferrar unto his Majestie and his Counsell of all the saidis pardonis, remissionis, and escheitis, and gevis unto him the office thairof, during his Majesteis will and pleasour allanerly, and quhill his Hienes specialie dischairge him of the same; with full pouer and commissioun to the said Archibald Campbell to prefer unto his Majestie and his said Counsell the desyris and petitionis of suche of the inhabitantis of the saidis Yllis and Hielandis as wilbecome humble sutaris to compone for thair remissionis and escheatis, and to deale for thame, and in thair names, in all and every thing wharby thay may be reducit to his Majesteis obedience and become lauchfull and peaceable subjectis to his Majestie, and all thingis requisit heiranent to do and use whiche to his charge and service appertineth."

from doing so by not knowing to whom to apply.

Edinburgh, 4th November 1614.

Band by Archibald Campbell that, in the performance of his duties as agent with his Majesty in behalf of rebel Highlanders and Islesmen, he will not encroach upon the office and privileges of Mr. William Brown.

"The quhilk day in presence of the Lordis of Secrete Counsell comperit personalie Archibald Campbell, bruther to James Campbell of Laweris, and gaif in the band and obligatioun underwrittin, subscryvit with his hand desyreand, &c., off the quhilk the tennour followis:—Be it kend till all men be thir present letteris [be] me, Archibald Campbell, bruther to James Campbell of Laweris:—that, forsamekle as it hes pleasit his Majestie upon some speciall considerationis to mak choise of me to prefer unto his Majestie and his Counsell the desyris and petitionis of suche of the inhabitantis of the Yles and Hielandis as will become humble sutaris to compone for thair remissionis and escheatis, and hes gevin unto me ane commissioun for that effect; and whereas some suspitioun may be apprehendit that in the executioun and useing of this commissioun I haif sume purpois, drift, or intentioun to incrotche upon the office of Mr. William Broun, who is ordinar presenter to the Counsaill table and to the officeris of his Majesteis ressett of all signaturis of quhatsomevir nature and qualitie dew to be componit and past be thame, and to prejudge him of some point of the libertie and previlege of his office and of his casualiteis, dewteis, and fees; and I being willing to cleir my selff in that point and to remove all suche mater of suspitioun from the said Mr. William and all utheris: thairfoir I declair be thir presentis,

e 142.

upon my faith, credite, and honnestie, and as I salbe answerable to the grite God at the latter day, that I nevir had, nather yitt haif I, ony purpois, drift, or intentioun to incrotche upoun the said Mr. William Broun, nor to prejudge him in ony point of his office, or of the liberteis, previlegeis, fees, caswaliteis, and dewteis thairof. And I bind and obleis me be thir presentis, upon my grite oathe, and upon my faith, credite, and honnestie, whiche is moir deir to me nor ony thing els, that I sall nevir use the said commissioun grantit unto me, nor yitt extend the same in ony cais, to the hurt or prejudice of the said Mr. William, in ony point, concerning the credite, friedome, libertie, prevelege, and commoditie of his office, bot that he sall frielie and peaceablie brook and injoy his said office, but trouble, questioun, or hinder to be maid be me to him in ony caice, siclyk and with als grite credite and friedome as he hes done at ony tyme heretofoir, and as yf the commissioun foirsaid grantit unto me had nevir bene past nor expede. And heirto I bind and obleis me; and for the mair securitie I am content that thir presentis be registrat in the bookis of Secrete Counsell, that executioun may pas thairupoun yf neid beis in forme as effeiris, and for registering heirof constitutis my lauchfull procuratoris. In witnes quhairof I haif subscryvit thir presentis with my hand, at Edinburgh, the fourt day of November the yeir of God j^{m} vj^{c} and fourtene yeiris, befoir thir witnesis, —James Prymrois, Clerk of Counsell; Laurence Keir and Alexander Wylie, servitoris to the said James Prymrois. *Sic subscribitur*: A. Campbell; J. Prymrois, witnes; Laurence Keir, witnes; A. Wylie, witnes." The Isles, 1608-1623. Page 143.

Edinburgh, 10th November 1614.

Warrant to the Treasurer Depute for testing a petard which it is proposed to send to Islay to be used for blowing up the gates of Dunivaig Castle.

"Forsamekle as, for the bettir recoverie of his Majesteis house and fortalice of Dunnevaig, surprisit and detenit be Angus Oig M^{c}Coneill and his rebellious compliceis, it is thoght meite and expedient that ane pittart salbe send to the said house and thair usit for blowing up of the yettis of the said house; and the saidis Lordis of Secrete Counsell being cairfull to haif some prooffe quhat the pittart wilbe able to do, and for quhat use it will serve at the said house: thairfoir the saidis Lordis ordanes and commandis his Majesteis Thesaurair Depute of this kingdome to cause tak ane prooffe of the said pittart, and to use the same at some yett within the Castle of Edinburgh quhair most commodiouslie and with least dangeir the same may be usit: commanding heirby the capitane, constable, and keeparis of the said castle to suffer the said prooffe to be tane within the said castle. For doing of the premisis thir presentis salbe unto the said Thesaurer Depute, and to the constable and keeparis of the said castle, ane warrand." Page 144.

Edinburgh, 12th November 1614.

Allowance to James Anstruther, who is to go to

"Forsamekle as the Lordis of Secrite Counsell hes imployit James Anstruther to go to Yla, and thair to use the ingyne of the pittart at the house of Dynnevaig for the better recoverie thairof fra the rebellis and traytouris who detenis the same aganis his Majestie, thairfoir the saidis Lordis hes aggreit with the said James upon the conditionis following Page 143.

e Isles, 8–1623.

for his panes and travellis in the service: to wit, for the first moneth, to be accomptit fra the day and dait heirof, he sall haif tua hundreth merkis of pay for making of his furnissing and outred to Yla, and for his chairgeis thair during that moneth; and for every monethe thairefter so lang as he sall continew in that service he sall haif ane hundreth merkis in pay; and at the ending of the service suche farder consideratioun salbe had of him as his service in this imployment sall worthelie merite, and as salbe testifeit be his Majesteis Lieutennent." Islay in charge of the said petard.

"Forsamekle as, the Lordis of Secrete Counsell, for the better recoverie of the house and castle of Dynnevaig, now keept and detenit aganis his Majestie be some traytouris and rebellis in Yla, haveing delt and travellit with James Anstruther in Anstruther to go to Yla and thair to use the pittart at the said house, the said James, to testifie his good affectioun to his Majesteis service, hes willinglie undertane that chairge and service, and hes promist to mak his addresse thair with all convenient diligence, and to hasard his persone and lyff in useing the ingyne of the pittart at the said house; and the Lordis of Secrete Counsell understanding that this imployment and charge undertane be the said James is verie dangerous and hasardus, and may hasard and perrell his lyff: thairfoir the saidis Lordis promisis be thir presentis that, yf it salhappin, as God forbid, the said James to die in this service, or utherwise to ressave suche hurt and woundis as unable him thairefter to wynne his lyving, in that caise thay will recommend the said James wyff and bairnis to his Majestie, and thay wilbe humble sutaris and intercessouris to his Majestie for some honnest remembrance to be gevin to the said James, his wyff, and bairnis in regaird of his service." Act in favour of the wife and children of the said James Anstruther in case he should be killed in the said dangerous service, with promise of provision for himself in case he shall be disabled.

e 144.

"The quhilk day in presence of the Lordis of Secrite Counsaill compeirit personalie Hector M^cClayne of Dowart, and actit and obleist him that he sall compeir personalie before the Lordis of Secrite Counsaill quhanevir he salbe lauchfullie chairgit to that effect at the domiceillis of Mr. Alexander King, advocate, and Alexander Cunynghame, agent, upoun threscore dayis wairning, and ansuer to quhatsumevir thingis salbe layed to his chairge, undir the pane of fyve thousand merkis. And the said Hectour by thir presentis declairis that the citationis sua to be usit aganis him salbe als lauchfull as gif he wer personalie chairgit or at his dwelling place, with this proviso and conditioun,—that copeis of the saidis citationis be deliverit to the saidis Mr. Alexander King or Alexander Cunynghame for the said Hectour M^cClayne. *Sic subscribitur*: Macklane of Doward." Edinburgh, 20th November 1614. Band by MacLean of Duart for his appearance when cited.

e 145.

"The quhilk [day] in presence of the Lordis of Secreit Counsaill compeirit personalie Sir Rory M^cCleude of Hereis, and actit and oblist him to compeir personalie befoir the saidis Lordis upoun the tent day of July nixttocome, and that in the meantyme he sall do his diligence to gett in his handis Donald M^cAngus V^cIntagart, Malcolme M^cRorie Edinburgh, 1st December 1614. Band by MacLeod of Harris.

M°Cleude, and Donald M°Angus, and that he sall reporte his diligence heiranent to the saidis Lordis the day foirsaid, under the pane of ten thousand merkis." The Isles, 1608–1625.

Edinburgh, 24th December 1614.

Act anent the Castle of Kirkwall.

There is an entry under this date anent the Castle of Kirkwall, which is an almost exact reproduction of the contents of two entries already given in the *Book of Sederunts* under the same date (*ante*, p. 295). The castle is to be kept at his Majesty's expense till it be taken off the hands of Johnne Sincler of Rotter, sheriff-depute of Orknay, and delivered to Sir James Stewart of Killeyth, or others in his name.

Edinburgh, 9th February 1615.

Norman MacCleod. The Tutor of Kintail.

Duplicate of entry in *Book of Sederunts* (*ante*, p. 302), anent the liberation of Norman MacLeod and Rory MacNeill. Page 146.

Duplicate of entry in *Book of Sederunts* (*ante*, p. 302), anent the protest by the Tutor of Kintail.

Edinburgh, 16th February 1615.

Proclamation against the rebels of Islay.

After reciting the treasonable doings of Angus Oig M°Coneill and his accomplices, in terms almost identical with those used in the preceding acts anent Yla, the proclamation proceeds thus:—"In the quhilk meane-tyme the said Coill M°Gillespick and Malcolme M°Rorie M°Cleud, with some few nomber of the ringleadaris in that rebellioun, hes eschaipit by sea, intending to reteir thame selffis to some uther pairt of the Yllis, and to lurk and ly quhill thay find occasioun to procure some new disordour in these pairtis. And, althoght his Majestie no wyse doubteth of the good affectioun of his subjectis in the Yllis, and that all of thame, in haitrent and detestatioun of thir unworthie traytouris and catives, will not onlie foirbeir the supplie, ressett, protectioun, and mantennance of thame within ony pairt of thair boundis, bot will hunt, follow, and persew thame as traytouris and rebellis with fyre and sword incaise thay salhappin to come thairin, yitt his Majestie, for removing of all pretext of excuise from suche of his Majesteis subjectis as salhappin to faill in this poynt, and to mak thame so muche the more inexcusable yf upoun ony occasioun quhatsomevir thay salbe inducit to schaw ony kynd of favour to the saidis traytouris, his Majestie, with advise of the Lordis of his Secreite Counsell, hes thoght meitt heirby to signifie and declair that his Majestie doeth and will accompt the ressettaris, supplearis, and assistaris of thir traytouris in a lyk degree and guylt of treasoun as the principall traytouris thame selffis, and accordinglie will gif ordour for punisheing thairof in the heichest degree of treasoun. And thairfoir ordanes letteris to be direct to command, charge, and inhibite all and sindrie his Majesteis liegeis and subjectis, be oppin proclamatioun at the mercat croce of Edinburgh, Glasgow, Dunbartane, Rothesay, Inverary, Invernes, and all utheris placeis neidfull, that nane of thame presome nor tak upoun hand to ressett, supplie, nor intercommoun with the saidis traytouris nor nane of thair rebellious compliceis, furneis thame meit, drink, house, nor harborie, nor na uther thing confortable and necessar Page 147. Page 148.

Isles, -1623.

unto thame, nor haif intelligence with thame directlie nor indirectlie be word, writt, or message, under quhatsomevir cullour or pretense. And, yf the saidis traytouris or ony of thame salhappin to come in thair boundis and salhappin to flie to housis and strenthis within the same, that thay hunt, follow, and persew thame, as rebellis, traytouris, and thevis, with fyre and sword, assedge the saidis strenthis and housis, raise fyre and use all kynd of force and wearlyk ingyne that can be haid for recoverie thairof and apprehending of the traytouris being thairintill, and that thay nevir leave af the persute of thame ay and quhill thay be apprehendit and presentit to justice, under the pane of treasoun; certifeing thame that sall failyee or do in the countrair that the said pane of treasoun salbe execute upoun thame without favour or mercie."

Edinburgh, 17th February 1615.

Tutor of Kintail and MacLeod of Harris.

Duplicate of entry given in *Book of Sederunts* (*ante*, p. 303), anent the promise of MacLeod of Harris and Mackenzie of Coigach.

149. "Forsamekle as, the treasounable rebellioun reasit of laite aganis our Soverane Lord within Yla being now by his Majesteis power and forceis suppresst, and a nomber of these wretched and miserable catives in the most just judgement of God according to thair deservingis most worthely punist, it hes fallin oute that some of the cheif and principallis of thame, as, namelie, Coill M^c^Gillespick M^c^Donald, Coill M^c^Donald V^c^Donald, Archibald and Donald Gormes, brether to the said Coill M^c^Donald, Gillichallum M^c^Rorie M^c^Cleud, Ronald Oig M^c^Allester, Angus M^c^Raichan V^c^Donchie Duy V^c^Allester, M^c^Ronald V^c^Angus V^c^Allester, with some few utheris of thair treacherous compliceis, hes eschaiped, and for eschewing the cours of justice hes withdrawne thame selffis to some quyet partis about the Yllis of this kingdome, quhair thay foolishelie presome of quyet, ressett, and favour, and awaitis the occasioun and opportunitie to procure some new disordour and trouble in these pairtis; and althocht his Majestie doubteth not bot all his good and loving subjectis oute of thair haitrent and detestatioun of this treasounable rebellioun will not onlie foirbeare the ressett, supplie, and ayding of thir traytouris, bot will hunt, follow, and persew with fyre and swerd, yf thay salhappin to come in thair boundis; yitt, for removing of all pretext of excuise from suche undewtifull and impious subjectis as salhappin to faill in this poynte," &c. [*The proclamation is continued in the same words as that of 16th February, ante, p.* 728].

2nd March 1615.

Proclamation against reset of the Islay rebels who have escaped and fled into other parts of the Isles.

150. "The quhilk day in presence of the Lordis of Secreit Counsell comperit personalie Donald M^c^Allane V^e^Eane of Ylantyrun, Capitane of the Clanronnald, and oblist and actit him that he, for him selff and takand the burdyne on him for all whome he is oblist to answer be the lawis of this kingdome and whome he may stop or latt, sall observe oure Soverane Lordis peace, keepe goode reule and quyetnes in the countrie, and that he sall follow oute all actionis and causis concerning him be the ordiner course of justice, and that he sall not resist the executioun

Act by the Captain of Clanranald for his obedience and good behaviour.

of ony decreitis recoverit or to be recoverit aganis him, and that in all tyme comeing during his naturall lyff he sall compeir personalie befoir the Lordis of Secreit Counsell anes every yeir upoun the tent day of July, yf it be lauchfull, and failyeing thairof the nixt lauchfull Counsell day thairefter following, and rander his obedience to his Majestie; and siclyk that he sall compeir personalie befoir the Lordis of Secrete Counsall at suche tymes and so oft as he salbe lauchfullie chairgeit to that effect upoun thriescoir dayis warneing, and ansuer to suche thingis as salbe layed to his charge; and, last, that he sall remane heir and not depairt nor pas away quhill he be fred and relevit be the Lordis of Secrete Counsell: under the pane of fyve thousand merkis incaice he failyee in ony poynt of the premisis. And the said Donald nominat the domicillis of Mr. Thomas Hendersone, advocat, and ane of the commissaris of Edinburgh, and James Logie, agent in Edinburgh, quhairat he declairit he wes content that all citationis salbe usit aganis him upoun thriescoir dayis warning in ony actionis concerning him, outher afoir the Lordis of Prevey Counsell, Sessioun, or Justice, and that the citationis sua to be usit salbe als lauchfull as yf he wer personalie chairgeit or at his dwelling house, with this proviso and conditioun,—that copeis of the saidis citationis be delyverit to the said Mr. Thomas Hendersone and James Logy, or ony of thame." The Isles, 1608–1623. Page 151.

Edinburgh, 23rd March 1615.

Act by the Tutor of Ardnamurchan for his obedience and good behaviour.

"The quhilk day in presence of the Lordis of Secrete Counsell comperit personalie Donald M°Eane, Tutour of Ardnamurchie, and actit and oblist him that he, for himselff and takand the burdyne on him as tutour to M°Eane of Ardnamurchie for all whom the said M°Eane is oblist to answer for be the lawis of this kingdome, ay and quhill the said M°Eane be of lauchfull and perfyte age, sall observe our Soverane Lordis peace, keepe good rewle and quyetnes in the countrie; and that the said Donald salbe answerable for the said M°Eane his haill clan, conforme to the lawis and generall band, ay and quhill the said M°Eane be of lauchfull and perfyte age, as said is; and that the said Donald sall follow oute all actiounis and causis concerning him or the said M°Eane, his nephew, be the ordiner course of law and justice," &c. The Act is continued in the same terms as those used in the preceding Act, the only variation being that the persons nominated to receive the citations are Adame Cuninghame, advocate, and James Logie, agent in Edinburgh.

MacLeod of Harris and Donald Gorme.

Order for prorogation of the appearance of MacLeod of Harris and Donald Gorme. It is a reproduction of the entry in the *Book of Sederunts* (*ante*, p. 319), but with the addition of the name of Sir Rorie M°Cleud of Hereis. Page 152.

30th March 1615.

Captain of Clanranald.

Order for prorogation of the appearance of the Captain of Clanranald till 1st November, as given in the *Book of Sederunts, ante*, p. 320.

"The quhilk day in presence of the Lordis of Secrete Counsell com-

perit personalie Williame, Erll of Tullibairdin, and Johnne Grant of Frewchie, and actit and oblist thame and thair airis as cautionaris and souirteis, conjunctlie and severlie, for Lauchlane M^cIntoshe of Dynnauchtane, that the said Lauchlane sall bring, present, and exhibit William M^cIntoshe of Boirlyn, William M^cIntoshe of Reak, Donald M^cQuene of Corribroghe, Johnne M^cQuene, his bruther, and Allester M^cEachan of Wester Largis befoir the saidis Lordis upoun the xiij day of July nixtocome, or failyeeing thairof that he sall compeir personalie befoir the saidis Lordis that same day and report his diligence done in this mater, and lauchfullie reenter his persone in ward within the Castle of Edinburgh, furth of the quhilk he is now relevit,—under the pane of tuenty thousand pundis. And siclyk that the said Lauchlane, nor nane in his name, sall at no tyme heirefter convocat or suborne ony of the tennentis of James, Erll of Murray, nor haif no kynd of medling with thame in his prejudice, under the pane of fyve thousand pundis; and that the said Lauchlane sall in all tyme comeing behave him selff as ane dewtifull and and good subject to our Soverane Lord; and that he sall observe our Soverane Lordis peace, keepe good reull and quyetnes in the countrie; and that he salbe answerable to his Majestie and Justice and to all partyis sustening skaith for his haill clan and all utheris whom he is oblist to answer for, conforme to the lawis of this realme, actis of Parliament, and generall band; and that he sall compeir personalie befoir the Lordis of Prevey Counsell so oft as he salbe lauchfully chairgit to that effect upoun fyiftene dayis warning, and answer to suche complaintis as salbe maid upoun him: under the said pane of fyve thousand pundis. And the said Lauchlane M^cIntoshe, comperand also personalie, actit and oblist him and his airis to warrand and releve his saidis cautionaris of the premisis, and of all pane, skaith, and danger that thay may incurre thairthrou for evir. *Sic subscribitur*: Tullibardine, Jhone Grant off Freuchy, L. Makintoschie of Dunachtin."

Caution by the Earl of Tullibardine and Grant of Freuchie for the Laird of Mackintosh, the said Laird giving his obligation for their relief.

54. The preamble is in the same words as that to the Proclamation on p. 728. The document then proceeds:—"Sen thair eschaip thay haif associat unto thame selffis some utheris disorderit thevis, brokin men, and lymmaris, and with thame thay haif repairit to the Yllis, whair thay await the occasioun and oportunitie to steir up new disordour and trouble, and to oppres his Majesteis peaceable and good subjectis who hantis the treade of fisheing thair, heichlie to his Majesteis offence and contempt." Commission is therefore given to Rory M^cKenzie of Cogache, Donald Gorme of Slaite, Sir Rorie M^cCleud of Hereis, Donald M^cAllane V^cEane of Ylantyrum, Captain of the Clanronnald, M^cKynnoun of Strathordaill, Hectour M^cCleane of Dowart, M^cClayne of Lochbuy, and M^cClayne of Coill, to the said Rorie M^cKenzie within the bounds of the Lewis and other parts belonging to the Lord of Kintaill, and to each of the others, within his own bounds, to apprehend and exhibit the said rebels before the Lords. Full powers to

Edinburgh, 26th April 1615. Commissions to Mackenzie of Coigach, Donald Gorme of Slait, MacLeod of Harris, the Captain of Clanranald, Mackinnon of Strathordail, MacLean of Duart, MacLean of Lochbuy, and MacLean of Coll, for pursuit of the fugitive Islay rebels.

besiege and attack the rebels if necessary, and full exoneration from responsibility for all accidents to the said rebels, are given in due form. The Isles 1608–162

Missives from the Council to the said commissioners enjoining faithful and vigilant discharge of the duties imposed upon them.

"After oure verie hartlie commendationis: We ar informed that the rebellis and traytouris of Yla who laitlie eshaipit frome his Majesteis Lieutennent thair hes withdrawne thame selffis to some pairtis of the Yllis, quhair thay presome of quyet, ressett, and freindschip, and avaitis the oportunitie and meanes to steir up some new disordour and trouble and to robbe and spoyll his Majesteis good subjectis who hantis thair in thair lauchfull treade. And, understanding that thir lymmaris can haif no ressett in ony pairt of the Yllis bot by the allowance and consent of the chiftanes and principallis of clanes thair (who, yf thay be weill affectit to his Majesteis obedience and service, may easalie suppres thame and all thair foolishe courses and interpryseis), we haif thairfoir past and exped ample commissionis to your selff and to the remanent baronis and Page 155. Page 156. clannit men of the Yllis for the persute of the lymmaris with fyre and sword, as by your commissioun, quhilk yow sall heirwith ressave, yow will moir fullie understand; the executioun quhairof we do heirby recommend unto yow; commanding yow, as yow wilbe answerable upoun your allegeance to his Majestie, and upoun the hasard and perrell of your lyff, estaite, and fortounes, that yow accept this commissioun upoun yow, and efauldlie, sincerlie, and trewlie go fordward in the executioun thairof, with your haill power, freindschip, and forceis, in suche forme and manner that thir traytouris haif no ressett within your boundis, bot that thay be huntit and persewit with all rigour incaise thay salhappin to repair thair. And, for this effect, and for the better keeping of your boundis frie of thame, ye sall not faill to sett and put oute watcheis day and nicht at all convenient placeis, to gif warneing to yow and the countrie people of the repair of the saidis lymmaris, quhairthrou thay may be accordinglie persewit. And, as we haif writtin to the remannent commissionaris who ar imployit in this service not onlie to concurre with yow in the same service as thay salbe requyrit by yow, bot lykwise to be cairfull to learne, trye, and understand whare and be whome thir traytouris and rebellis sall ressave ony privat or publict ressett, aid, or confort, and to adverteis us of the same, we will lykwise requeist, and in his Majesteis name command, yow to gif the lyk concurrance unto thame as yow salbe requyrit, and that yow wilbe als solist and cairfull to try and learne the ressettis of the saidis rebellis and to adverteis us thairof. And, to the effect yow and the rest of the commissionaris may be so muche the moir inexcusable yf yow be remisse or negligent in this peece of service committit to your chairge, and to tak away from yow all pretext of excuise upoun the necessitie of your attendance upoun your actionis of law, we haif past ane act and warrand supersiding all actionis and causis concerning yow, quhairin yee [haif] intres to persew and defend, untill the first day of November nixtocome. We desyre yow lykwise to acquent us with the same berar of the preceis day that this commissioun sall come in your handis. And so, recommending the whole premisis to your cairfull

and diligent performance, as yow respect his Majesteis obedience and service and wilbe answerable upoun the countrarie at your heichest perrell, we committ yow to God. From Edinburgh, the xxvj Aprile 1615. *Sic subscribitur*: your verie good freindis, Al. Cancellar; Caithnes; Binning; Jo. Prestoun; Oliphant; Sir Robert Melwill."

"Forsamekle as Rory M^cKanyee of Coygache, Donald Gorme of Slaitt, Sir Rory M^cCleude of Hereis, Donald M^cAllane V^cEane of Ylantyrum, Capitane of the Clanrannald, M^cKynnoun of Strathordaill, Hector M^cClayne of Dowart, M^cClane of Lochbuy, and M^cClayne of Coill ar imployit and directit be the Lordis of Secreit Counsaill to persew Coill M^cGillespick and the remanent rebellis and traytouris of Ila, as in the commissionis past and exped to thame for this effect at lenth is contenit, and seeing, for the better executioun thairof and keeping of thair boundis and cuntreyis free of the saidis rebellis, it is necessair that the commissionaris foirsaidis remane at home and on nawayes come to this burgh to persew or defend in ony actionis or causis concerning thame, thairfoir the saidis Lordis hes superseidit and be the tennour heirof superseidis all and sindrie actionis and causis concerning the saidis personis, whairin thay haif entres to persew or defend befoir the Lordis of his Majesteis Previe Counsell or Sessioun, unto the first day of November nixtocome, ordaning the saidis actionis to rest and sleip quhill the said day."

Act in favour of the said commissioners, continuing all actions against them till 1st November, in order that they may attend the more steadily to the work of pursuing the fugitive Islay rebels.

"The Lordis of Secrete Counsell ordanes letteris to be direct chairgeing Duncane Campbell of Danna, Neill M^cKay, Donald Gorme, base sone to Sir James M^cDonald, Malcolme M^cNeill, uncle to Hector M^cNeill of Tawneishe, Hector M^cNeill in Carskeich, Ewne M^cWrittie in Gya, Allester M^cInvoyer, and Donald M^cAllester Wrik to compeir personalie befoir the saidis Lordis upoun the day of nixtocome, to answer to suche thingis as salbe inquyrit of thame tuicheing the purpois and interpryse of the surprise and taking of his Majesteis castle of Dynnevaig and keeping and detening of the same aganis his Majestie and his auctoritie, under the pane of rebellioun, &c., with certificatioun, &c."

Edinburgh, 23rd May 1615. Charge to Duncan Campbell of Danna and others to appear and answer concerning the seizure and detention of the Castle of Dunivaig.

"Forsamekle as, Sir James M^cDonald being guyltie of divers heich crymes of tressoun committit be him, and being convict and foirfait for the same, sua that his lyff wes in his Majesteis power to be disposit upoun as his Majestie thoght good, yitt his Majestie, oute of his naturall dispositioun to pitye rather than to punishe the faultis of his subjectis, wes gratiouslie pleasit not onlie to spair the said Sir James lyff and to defer the inflicting upoun him of that punishement quhilk wes dew to his desertis, falshoodis, and tressonis, bot with that gaif him allowance out of his awne cofferis for his maintennance and interteynment [see *ante*, p. 267, footnote, with references there]; bot he, following the unhappie course of his awne treacherous dispositioun, being guyltie in

Edinburgh 24th May 1615. Commission to the Marquis of Huntly and the Earl of Tullibardine for the pursuit of Sir James Macdonald, who has escaped from Edinburgh Castle and gone north, fearing the discovery of his complicity

with the late rebellion in Islay, and for the pursuit also of certain other Macdonalds who have assisted him and are in his company.

his awne conscience of the laite rebellioun raised in Yla, and of the surpryseing, taking, and detening of his Majesteis Castle of Dynnevaig, and fearing the discoverie thairof be some of the principall actoris who ar now broght heir to thair tryall, he, for eschewing of tryell and punishement, hes tresounablie brockin waird and eschaipit furth of the Castell of Edinburgh, thairby takand upoun him the ignominie and guylt of the said rebellioun; and in his eschaip and flicht, and upoun the meanes and possibiliteis how to effectuat the same, M^c^Ronnald of Gargavach, M^c^Ranald, his eldest sone, , eldest sone lauchfull to Donald M^c^Allane V^c^Ean of Ylantyrum, Capitane of the Clanronald, Dowgall M^c^Allester, servitor to Thomas Coutis, writter in Edinburgh, wer counsellouris, consultaris, plottaris, and divisaris with him, assisted and furthered him thairin, attendit and avaitit upoun him efter his eschaip at the Newheavin besyd Leyth, quhair thay all took boit and past over to Bruntyland, and fra that thay ar gone quhair thay pleis, intending so far as in theme lyis to steir up some new disordour and trouble in the Yllis, and to disturbe the peace thairof, without remeid be provydit: Quhairfoir the Lordis of Secrete Counsell ordanes commissionis to be past and exped under his Majesteis signett, the one to George, Marques of Huntlie, and the uther to William, Erll of Tullibairdin, gevand, grantand, and committand to thame, and to thair deputis, for whome thay salbe haldin to answer, full power and commissioun, expres bidding and charge, to convocat his Majesteis liegeis in armes, and to pas, searche, seik, and tak the said Sir James and remanent personis particularlie abonewrittin, assistaris and furtheraris of him in his eschaip and flight, quhairevir thay may be apprehendit, and to bring, present, and exhibit thame befoir the saidis Lordis to be tane ordour [with] and punist as accordis" [with powers, &c., in the usual terms.] The Isles 1608–162

Proclamation against reset of the said Sir James Macdonald, with orders for concurrence of all the lieges in his pursuit, and offer of a reward of £2000 for his apprehension or for his head.

Preamble in terms same as in preceding Act.—The said Sir James M^c^Coneill "following the unhappie tread of his predicessoris, haveing the hairt of him replenist with perjurie, falshood, and treasonis, being most unworthie of his Majesteis lenitie and favour schowin unto him, and in his awne conscience being guyltie of the treasounable surpryseing of his Majesteis Castle of Dynnevaig and of the keepeing and detening of the same aganis his Majestie, and feareing the discoverie of that his treasoun," &c. (as in preceding Act), "hes laitlie, for eshewing tryall and punishement, most treasounablie brockin waird and eschaipit furth of the Castle of Edinburgh upoun the 23rd of this instant in the nicht; and by all appeirance he is of purpois to go to the Iles and to do what in him lyis to steir up some new disordour and trouble thair, heichlie to his Majesteis offence and contempt and disturbance of the peace of the countrie: And, althoght his Majestie and the Lordis of his Secrete Counsell doubtis not bot that all goode and dewtifull subjectis will, in haitrent and detestatioun of the said Sir James his mony perjuries, falshoodis, and treasonis, not onlie foirbeare all ressett, supplie, and con- Page 159 Page 160.

forting of him with ony kynd of necessaris, bot will hunt, follow, and persew him as a wretched and miserable traytour and cative incaice he salhappin to repair in thair boundis, yitt, to mak suche personis inexcusable who salhappin to offend in this caise, the Lordis of Secreit Counsell ordanes herauldis, pursephantis, and messingeris of armes to pas to the mercat croce of Edinburgh and utheris placeis neidfull, and thair be oppin proclamatioun to command, chairge, and inhibite all and sindrie his Majesteis liegeis and subjectis that nane of thame presome nor tak upoun hand to ressett, supplie, hyd, or conceale the said Sir James, nor to intercommoun with him, furneis him meate, drink, house, harborie, armour, horsis, nor no uther thing confortable and necessar unto him, bot to searche, seik, hunt, follow, and persew him with fyre and swerd, be sea and land, yf he sall happin to be in thair boundis, and to tak and apprehend him, and to bring, present, and exhibite him befoir his Majesteis Counsell,—under the pane of treasoun: certifeing thame that sall failyee or do in the countrair heirof that thay salbe persewit and punist as traytouris thairfoir with all rigour and extremitie. And siclyk to signifie and declair to all his Majesteis lieges and subjectis that quhatsomevir persone or personis will tak, apprehend, present, and exhibite the said Sir James befoir his Majesteis Counsell, or, yf he salhappin to be slayne in the taking, will present his head, that the persone or personis takaris or slayaris of him sall haif tua thousand pundis money of this kingdome in present and reddie payment delyverit unto thame."

Charge to the Macdonalds who are in company with the said Sir James to appear and answer, and to the Captain of Clanranald to produce his son, who is one of them.

"Forsamekle as the Lordis of Secrite Counsell haif ressavit certane and trew adverteisment and informatioun that M^cRanald of Gargavach, M^cRanald, his eldest sone, , eldest sone to Donald M^cAllane V^cEane of Ylantyrum, Capitane of the Clanronald, Dowgall M^cAllester, servitor to Thomas Couttis, writter in Edinburgh, hes bene plottaris, consultaris, and divisaris with Sir James M^cDonald upoun the meanes of his eschaiping and brecking waird furth of the Castle of Edinburgh, and that thay assistit and furtherit him thairin, attendit and avaitit upoun him at the New Heavin besyd Leyth, and past over the water with him to Bruntyland, and so hes involvit thame selffis in the guylt of his treasonis, for the quhilk thay aucht to be persewit and punist accordinglie: Thairfoir the saidis Lordis ordanes letteris to be direct chairgeing the saidis personis to compeir personalie, as alsua chairgeing the said Capitane of Clanronald to bring, present, and exhibite his said sone personalie, befoir the saidis Lordis, upoun the day of , to answer to the premisis, and to underly suche ordour, tryall, and punishement for the same as accordis, under the pane of rebellioun, &c.; with certificatioun, &c."

Edinburgh, 8th June 1615. Caution by Ronald Bowie in Largie.

This day appeared Ronald Bowy in Largye, and found caution in £1000 to behave himself as a dutiful subject and to appear before the Privy Council whenever he shall be summoned. He nominated the domicile of Adam Cunynghame, advocate, and James Stratoun, writer

in Edinburgh, as places where citations may be used against him, on condition that copies of all such citations be delivered to the said persons.

Promise by Sir John Campbell of Caddell of diligence in keeping the Island of Islay against Sir James Macdonald and his accomplices.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personallie Sir Johnne Campbell of Cadell, and promeist to be answerable for keeping of the ile of Yla fra Sir James M°Donald, Coill M°Gillespik, and the rest of thair rebellious complices, and that thay sall haif no ressett, ayde, nor conforte within the same, bot sall [be] persewit with all rigour and extremitie incaise thay salhappin to come thair, in suche forme and maner as the remanent landislordis of the Iles ar oblist to answer for thair landis. And, tuitcheing the house of Dunnyvaig, he undertooke to be answerable for the suir keeping of the same; and, yf ony of these rebellis salhappin to come in Yla and committ ony insolence thair, he promeist to assay and use his awne pouer and forceis aganis thame afoir he crave ony assistance or ayde from his Majestie or his Counsell." Page 16

Refusal of Colin Campbell of Lundy, brother of the Earl of Argyle, to undertake the charge of acting against the rebel Macdonalds in his brother's absence: the refusal to be communicated to his Majesty, with a request that the Earl be made to undertake the business, either by coming home himself or by appointing a deputy.

"The quhilk day, Coline Campbell of Lundie being send for be the Lordis of Secreit Counsaill, and compeirand personalie befoir thame, and he being desirit to undirtak the charge and burdyne of keeping of the Erll of Ergyle his brutheris boundis and cuntreyis free frome the rebellis of the Clandonnald now in the absence of the Erll his bruther, and that thay sould haif no ressett, ayde, nor conforte within the same, bot be persewit with all rigour incaise thay come thair, the said Laird of Lundy excuisit him selff as not being able to undertak ony suche charge or burdyne, becaus he had no warrand nor commissioun frome his bruther to that effect; alwayes he declairit that he wald write to his brutheris baillies and chalmerlanis that thay wald haif a cair of this mater. Quhilk answer maid be the said Laird of Lundie being hard and considderit be the Lordis of Secreit Counsaill, thay think meete that his Majestie be acquentit thairwith, and that his Majestie be intreated to deale with the Erll of Ergyle outher to come home him self or then to nominat some gentleman of credite, pouer, and freindschip who will tak the burdyne of keeping his cuntreyis, and who wilbe ansuerable to his Majestie and his Counsaill for the same."

Edinburgh, 14th June 1615.

Another proclamation against Sir James MacDonald and his chief adherents, with promise of pardon to any rebels in their company who may apprehend or slay any of them, and offers of an increased

"Forsamekle as, the traytour Sir James M°Donald, who wes so far bundin to his Majestie in all submissive dewteis of obedience and subjectioun in sparing of his lyff so long efter that dome and sentence of death wes pronuncit aganis him [see *ante*, p. 267, footnote], haveing now at last, to crowne all his former treassonis, treasounablie brockin waird and eschaipit furth of the Castle of Edinburgh, by the meanes, help, and assistance of M°Ranald of Gargavach, and M°Ranald, his eldest sone, and in his awne conscience being guyltie of the treasounable rebellioun raisit aganis his Majestie in Yla, and by his flicht takand the cryme upoun him, notwithstanding the mony protestationis quhilkis by oath, word, and writte he maid in the countrair, he hes now, with the said M°Ranald and his sone, gone to the Yllis, hes amast

togidder a nomber of the brokin men of the Ylles, hes surprisit and tane the castle and fortalice of Ardnamurchine and fortifeit the same with men and victuall, keepis intelligence and correspondance with Coill M^cGillespick, Gillichallum M^cRorie M^cCleud, and the remanent traytouris and rebellis of Yla, and intendis to joyne with thame and by thair united forceis to procure the trouble and disturbance of the Ylles,—for repressing of whose traterous plottis and resolutionis cours and ordour is to be tane as salbe a terrour to all utheris miserable catives and wretcheis to offend heirefter aganis his Majestie, whose arme is so powerfull to subdew thame; and whareas it is verie lyklie that a nomber of personis hes joyned and will joyne with the said traytour Sir James in his rebellioun, who, being guyltie of crymes formerlie committit be thame and feiring the danger of the lawis, do falslie presoome of impunitie and protectioun under him, wheras yf thay wer frie of the saidis crymes thay wald nowise joyne with him in his treasonis: Thairfoir the Lordis of Secrete Counsell hes thought meitt heirby to signifie and declair, and be thir presentis promittis and promisis, that, yf ony persone or personis quhatsomever presentlie being or that salhappin to be in company with the said Sir James and Coill M^cGillespick or ather of thame, will tak, apprehend, or present to justice, or slay, ony of thair societie and company being of better rank and qualitie nor thame selffis, that every suche persone or personis takeris or slayaris of ony of thair saidis compliceis sall haif a frie pardoun and remissioun of his Majestie for all thair bigane deidis and offensis, and salbe utherwise rewairdit at the sicht and discretioun of the saidis Lordis. And, siclyk, that, yf ony persone or personis, of quhatsomevir rank, qualitie, and conditioun will tak, apprehend, and present to justice or slay the traytour Sir James M^cDonald, M^cRonald and his eldest sone, Coill M^cGillespick, Gillichallum M^cRorie, and Ronald Oig M^cAngus, that every suche persone or personis, takaris, presentaris, or slayaris of the saidis personis or ony of thame, sall haif the reward and sowme of money following thankfullie payit and delyverit unto thame in present and reddie payment,—that is to say, for the said Sir James fyve thousand pundis, for M^cRonald, his sone, and Coill M^cGillespick, and for everyone of thame, fyve thousand merkis, and for every ane of the saidis Gillicallum M^cRorie and Ronald Oig thrie thousand merkis. And ordanis letteris to be direct to mak publicatioun heirof be oppin proclamatioun at all placeis neidfull whairthrou nane pretend ignorance of the same, and to command, charge, and inhibite all and sindrie his Majesties liegeis and subjectis that nane of thame presome nor tak upoun hand to ressett, supplie, nor intercommoun with the saidis traytouris, thair assistaris and compliceis, furneis meate, drink, hous, nor harborie, poulder, armour, nor no uther thing confortable unto thame, transport thame to or fra ferryis, nor haif intelligence with thame be word, writt, or message, under the pane of treasoun."

reward of £5000 for the apprehension or slaying of Sir James, and smaller rewards for the apprehension or slaying of the others.[1]

"It is thoght meete and concludit be the Lordis of Secreit Counsaill

[1] This entry is repeated on pp. 166–8 of the *Book of the Isles*.

Edinburgh, 22nd June 1615.

Various measures ordered for the suppression of the rebellion of Sir James Macdonald and his accomplices, including levies of contingents for the service in Argyleshire and other districts, new commissions to certain leading men, and one in particular to Sir Dugald Campbell of Auchinbreck, now released from ward for the purpose.

that, for the persute of the traytour Sir James M^cDonald and his complices, the laird of Auchinbrek, as baillie of Ergyle, salbe authorized with ane commissioun to levey the able men oute of Ergyll, providit with gallayis, birlingis, and all wearlyke furnitour, and xl dayis victuallis and provisioun, for defence of the cuntrey and persute of the rebellis be sea and land, frome the marche of Lorne southwart to Kintyre. The Isles, 1608–1623. Page 164.

That the lyke commissioun be exped to the laird of Ardinkinglas, baillie of Cowell, to levey ane hundreth men oute of Cowell, providit as said is, and that he with his forceis be reddy to joyne with Auchinbrek as he salbe adverteist be him.

That a commissioun be exped to the Laird of Lochinyell, chamerlane of Lorne, to levey ane hundreth men[1] out of Lorne and Glenurquhy, providit as said is, for persute of the rebellis be sea and land betuix Morverne and the marche of Kintyre.

The Laird of Cadell, being present, promeist to haif all his men within the boundis foirsaidis in reddynes to joyne with Lochinyell under the charge of his bruther, Mr Donald Campbell.

That a commissioun be send to M^cClayne to lift tua hundreth men oute of his boundis providit as said is for persute of the rebellis be sea and land betuix the Rowe of Ardnamurchine and the marche of Lorne, and that M^cClayne be assistit be the Lairdis of Coill, Lochbuye, and M^cKynnoun, who ar his awne freindis and lyis in his boundis.

That ane commissioun be send to the Erll of Enyee for lifting of ane hundreth men in Lochquhaber, providit as said is, for persute of the rebellis and keeping of Lochquhaber free of thame.

That the lyke commissionis be exped to the Capitane of Clanrannald, M^cCleude of Hereis, and Donald Gorme, for lifting everyone of thame thair men for keeping of thair awne boundis free of the rebellis.

That all thir preparationis be in reddynes agane the saxt of Julij now approtcheing; and that missives be direct to the commissionaris willing thame to accept the commissionis upoun thame and deutifullie to execute the same, and everyone of thame to concur with another as the necessitie shall require; and that thay keepe correspondence with the capitane and commandair of his Majesteis ship and pinnance who ar send to attend this service; and that the missives mak mentioun of the rewarde promeist for taking or slaying of the rebellis; as alsua that in the missives to be direct to the Ilismen mentioun be maid that, yf thay approve thame selffis in this service, nane of thair kyndlie roumes salbe sett over thair headis; and that the commissionaris acquent the Counsell anes everie oulk with the progres of thair procedingis. Page 165.

Becaus M^cCoull of Lorne is bailie of Lorne, that ane missive be send to him to lift the men appointit to be liftit oute of Lorne, and to haif thame in reddynes agane the saxt of Julij to follow Lochinyell.

That chargeis be direct aganis the commissionaris for accepting of the commissionis upoun thame under the pane of tressoun.

[1] In the MS. '1 men' is written above 'ane hundreth men.'

e Isles, 08–1623.

That the Marques of Hamiltoun and the schireff of Bute be writtin to for keeping of the Ilis of Arrane and Bute free of the rebellis, and other of thame to concur with the other yf the necessitie sall require.

That missives be direct to the Lordis of Coill, Lochbuy, and M^{c}Kynnoun for thair concurrence to be gevin to M^{c}Clayne; and that ane missive be direct to Mr Donald Campbell for lifting and raiseing of his brutheris forceis to joyne with Lochinyell.

That ane proclamatioun be past in favouris of suche personis as accidentlie and not upoun ony treasounable purpois hes intercommonit with the rebellis, and who hes gone with thame aganis thair willis and committit no cryme in thair company.

That ane proclamatioun be past dischargeing the selling of poulder, leade, lint, armour, or victuallis to the use of the rebellis.

That ane missive be send to the Marques of Huntley allowing the sending of his sone to Lochquhaber, and willing him to write to his sone to accept the commissioun, and afoir he come oute of Lochquhaber to appoint some man of rank and qualitie to keepe the cuntrey.

Whereas the Lordis of Secreit Counsaill hes grantit licence to Coline Campbell of Lundie, and Sir Johnne Campbell of Cadell, knight, to go to Courte to deale with the Erll of Ergyle for thair releis of suche ingagementis as thay undirly for him, thairfoir thay actit thame to returne agane from Courte betuix and the xxv day of Julij nixttocòme,—quhilk wilbe aboute the tyme of the expyreing of this service,—and to present thame selffis befoir the Counsell the said day for thair advise and opinion to be gevin anent the prosequutioun of this service, ather of thame under the pane of j^{m}. lib.

166. Whereas Sir Dougall Campbell of Auchinbrek is now wardit within the burgh of Edinburgh, sua that he can not accept upoun him the commissioun grantit to him for persute of the traytour Sir James M^{c}Donald and his complices unless he be fred of his warde, and the Lordis of Secreit Counsaill considdering the necessitie of this service, whilk may not suffer delay,—thairfoir the saidis Lordis hes fred and relevit, and be the tennour heirof freethis and relevis, the said Sir Dougall of his said warde, commanding and ordaining him to mak his addrese home with diligence and to attend and awaitt upoun the service foirsaid, nochtwithstanding of the cautioun fundin be him for his remaining and keeping warde within the burgh; wheranent the saidis Lordis dispensis be thir presentis.

The quhilk day Sir Dougall Campbell of Auchinbrek, knight, actit and oblist him that he sall compeir personalie befoir the Lordis of Secreit Counsaill when he salbe lauchfullie chargeit to that effect upoun fyftene dayis wairning."

[Then follows a paragraph, anent the Laird of Glengarry, which has been printed as an entry in the *Book of Sederunts, ante*, p. 347.]

168. Commission to the following persons to levy forces and proceed against Sir James M^{c}Donald and his accomplices before 6th Commissions for the said service against

Sir James Macdonald.

July next:—Sir Dougall Campbell of Auchinbrek, bailie of Ergyll, 200 men; Campbell of Lochinyell, 150 men; Hectour M°Clayne of Dowart, 200 men; George, Earl of Enzie, 100 men; Donald M°Allane V°Eane, Captain of the Clanronald, Sir Rorie M°Cleud of Hereis, and Donald Gorme of Slait, 200 men each; and Campbell of Ardkinglas, 100 men. Each commissioner is to act within his own bounds, as specified in the preceding entry. The preamble of the commission is in the words given *ante*, p. 736: and the powers granted are expressed in the customary form. The entry concludes thus: "And, yf the rebellis salhappin to be of gryter power and force nor the commissionaris everyone within thair awne boundis ar able to withstand, with power to the saidis commissionaris to convocat and assemble togidder the haill inhabitantis within the boundis under thair charge for the furtherance of this service." The Isles, 1608-1623.

New proclamation against Sir James Macdonald and his adherents, with offer of free pardon to any of the subordinate adherents who, having joined him on compulsion or without serious intention, shall return to their duty within a given time.

"Forsamekle as it is undirstand to the Lordis of Secrete Counsell that Page 170. sen the eschaip of the traytour Sir James M°Donald furth of the Castle of Edinburgh sindrie of his Majesteis good subjectis hes accidentlie mett with him and his rebellious compliceis, and hes conferrit and intercommonit with thame, not upoun ony treasounable cours or purpois, and utheris hes been forcit aganis thair willis to accompany thame and go with thame, and yitt hes committit no cryme in thair company; and, thir personis fearing the dangeir of the lawis and apprehending, as the treuth is, that thair said intercommoning and accompaning of the said traytour and his complices hes involvit thame in the guylt of thair treasonis, thay thairfoir, upoun necessitie as thay think, must neidis follow the said traytour his fortunis and joyne with him in all his foolishe and treasounable courseis, whareas yf thay wer sure to be unchallangit or troublit for thair bigane intercommoning and accompanying of the said traytour and his compliceis thay wald leave thame and all thair courseis and nevir joyne with him heirefter; and his Majestie, with advise of the Lordis of his Prevey Counsaill, being loath to enter in ony hard cours aganis ony of thir personis yf yitt in tyme thay will leave the said traytour and his compliceis and haif no farder dealling and medleing with thame heirefter: Thairfoir ordanes letteris to be direct chairgeinge officeris of armes to pas to the mercat croceis of Invernes, Perth, Dunbartane, Innerara, and utheris placeis neidfull, and thair be oppin proclamatioun to intimye and declair to all and sindrie personis who hes accidentlie intercommonit and conferrit with the saidis traytouris not upoun ony treasounable cours or purpois, and who hes bene or now ar in company with thame and hes committit no cryme in thair company, that, yf within the space of ten dayis after the publicatioun heirof thay will leave the saidis traytouris and onnawise joyne nor tak pairt with thame heirefter, and for this effect will addresse thame selffis to ane of his Majesteis commissionaris who ar imployit in service aganis the saidis traytouris and gif notice heirof unto thame, that thay salhaif his Majesteis gratious favour and pardoun for thair said bigane intercommoning and being in company with the saidis traytouris, and the same sall nevir be layit to thair charge,—exceptand alwise oute

e Isles, 08–1623.

of this conditioun of favour and pardoun the traytour Sir James M^{c}Donald, M^{c}Ronald and his sone, and suche utheris as assistit him in his eschaip and breck of waird, as alsua Coill M^{c}Gillespick, Gillicallum M^{c}Rorie M^{c}Cleud, and suche as assistit thame in the rebellioun of Yla.

ge 171.

And siclyk that the saidis officeris mak new intimatioun and declaratioun to all and sindrie his Majesteis lieges and subjectis that, yf ony persone or personis will tak, apprehend, and exhibite or slay the said Sir James and the utheris personis particulerlie underwrittin or ony of thame, that thay sall haif the reward and soumes of money following payit and delyverit unto thame in present, reddie, and thankfull payment:—that is to say, for the traytour Sir James, fyve thousand pundis; for M^{c}Ronald and his sone and Coill M^{c}Gillespick, for everyone of thame, fyve thousand merkis; and for Gillichallum M^{c}Rorie M^{c}Cleud and Ronald Oig M^{c}Angus, for ather of thame, thrie thousand merkis; and, yf ony of the rebellis thame selffis will tak, exhibite, or slay ony ane of thair awne company being of better rank and qualitie nor thame selffis, that every suche persone or personis takar or slayar of ony of the saidis rebellis sall haif his Majesteis gratious favour and pardoun and remissioun for all thair bigane offences, and salbe utherwise rewairdit at the discretioun of his Majesteis Counsell."

Proclamation forbidding the sale of gunpowder, lead, and lint for the use of Sir James Macdonald and his fellow-rebels.

"Forsamekle as the Lordis of Secrete Counsell ar informit that thair is a grite quantitie of poulder, lead, and lint daylie boght in sindrie burrowis of this kingdome for the use of the traytour Sir James M^{c}Donald, M^{c}Ronald, Coill M^{c}Gillespick, and thair rebellious compliceis, quhairby thay ar encourageit and strenthned in thair treasounable courseis and insolencyis, in heich contempt of oure Soverane Lord his auctoritie and lawis: Thairfoir the saidis Lordis ordanis letteris to be direct to command, charge, and inhibite all and sindrie his Majesteis leigeis and subjectis be oppin proclamatioun at the mercat croceis of Glasgow, Air, Renfrew, Dumbartane, Perth, Innernes, and utheris placeis neidfull, that nane of thame presome nor tak upoun hand to sell ony poulder, bullet, or lint to ony persone or personis bot to lauchfull subjectis, who wilbe answerable upoun the perrell of thair lyveis, and find cautioun that no pairt of the same sall come to the use and behooffe of the saidis traytouris: certifeing thame that sall failyee or do in the countrair that thay salbe repute,

172.

haldin and estemit as favouraris, assistaris, and supplearis of the saidis traytouris, and salbe persewit and punist for the same with all rigour and extremitie to the terrour of utheris."

Charge to the commissioners to accept their commissions.

The Lords of Privy Council order letters to be sent to George, Earl of Enzie, Sir Dowgall Campbell of Auchinbrek, Campbell of Ardinkinglas, Campbell of Lochinyell, Hectour M^{c}Clayne of Dowart, Donald M^{c}Allane V^{c}Ean of Ylantyrum, Sir Rorie M^{c}Cleud of Hereis, and Donald Gorme of Slait, to accept their commissions (*ante*, pp. 738, 739), on pain of treason.

73.

New proclamation for concurrence of the

Proclamation that all his Majesty's subjects within the bounds assigned to the said commissioners "ryse and convene in armes, concurre, fortifie,

lieges in the service against the Islay rebels.

and assist" them in their pursuit of the rebels of Islay. The preamble is in the same words as in previous commissions. The area assigned to M^c^Clayne of Dowart is more particularly described thus:—"the haill boundis betuix the Row of Ardnamurchie and the Marche of Lorne, within the quhilkis boundis ar comprehendit the West Yllis." The Isles, 1608-1623. Page 173.

Edinburgh, 29th June 1615.

MacRannald of Gargavach and his son denounced for not appearing as charged.

The Lords of Privy Council having received information that Allester M^c^Ronald of Gargavach, Ronald M^c^Ronald, his eldest son, were "plottaris, consultaris, and divisaris with Sir James M^c^Donald, upoun the meanes of his eschaiping and brecking waird furth of the Castle of Edinburgh, and that thay haif assistit and furtherit him thairin, attendit and avaitit upoun him at the New Heavin besyd Leyth, and past over the water with him to Bruntyland and sua hes involvit thame selffis in the guylt of his treasonis," had ordered them to appear this day (*ante*, p. 735). Neither M^c^Rannald nor his son appearing, the Lords order them to be denounced rebels.

Edinburgh, 30th June 1615.

Proclamation for a general levy in Argyle and Tarbet for service against Sir James Macdonald and his fellow-rebels.

After the usual preamble the document proceeds:—"And the Kingis Majestie, finding him selff heichlie interest and tuitcheit in honnour that suche ane infamous and miserable cative dar presome in ony degree to offend his Majestie, hes resolvit by ane royall power and force, both by sea and land, to persewe him and his compliceis, and nevir to leave af the persute of thame quhill thay be altogedder supprest and broght to thair tragicall and miserable endis: and thairfoir ordanes letteris to be direct chargeing all and sindrie his Majesteis liegeis and subjectis betuix saxtie and sextene yeiris, and utheris fensible personis, alsweill to burgh as to land, within regalitie as royaltie, within the boundis of the schirefdomes of Ergyll and Tarbett, be oppin proclamatioun at the mercat croceis of the head burrowis of the same schirefdomes and utheris placeis neidfull, that thay and every ane of thame prepair thame selffis and be in reddines, in thair most substantious and wearrelyk manner, and with gallayis, birlingis, and utheris veschellis able for service in the sea, and with fourtie dayis victuall and provisioun, to joyne with his Majesteis Lieutennent who sall haif the charge of this service, and to pas forward with him in the persut of the saidis rebellis be sea and land; and for this effect to convene and meitt with him at suche dayis, tymes, and placeis as thay salbe adverteist be new proclamatioun upoun sex dayis warning, and to follow his directioun in every thing tending to the furtherance and advancement of his Majesteis service, under the pane of tinsall of lyff, land, and goodis." Page 174. Page 175.

Edinburgh, 13th July 1615.

Appearance of the Laird of Mackintosh before the Council in

"The quhilk day in presence of the Lordis of Secreite Counsell compeirit personalie Lauchlane M^c^Intoshe of Dunnauchtane for obedience and satisfactioun of that pairt of the act quhairby he fand cautioun that he sould outher haif broght, presentit, and exhibite William M^c^Intoshe of Boirlyn, William M^c^Intoshe of Reak, Donald M^c^Quene of Corriburgh,

e Isles, 8–1623.

John M^cQuene, his bruther, and Allester M^cEachin of Wester Largy befoir the saidis Lordis the present xiij day of Julij instant, and failyeeing thairof that he sould haif compeirit personalie himselff befoir the saidis Lordis the said day and report his diligence in that mater, and that he sould lauchfullie reenter his persone in waird within the Castle of Edinburgh, furth of the quhilk he wes then relevit, under the pane of twenty thousand pund. And he declairit that he had gevin satisfactioun to James, Erll of Murray, in whose favour and for whose behoofe the said cautioun wes fundin, anent that pairt of the said act tuitcheing the exhibitioun of the saidis fyve personis, and that the said Erll of Murray and he wer aggried thairanent. And, the said Erll being callit to answer heirunto, and he comperand be Robert Dunbar of Burgy, his procuratour, the said Robert in name of the said Erll testifeit and declarit lykwis that the said Erll of Murray and M^cIntoshe wer aggreit in that point tuitcheing the exhibitioun of the saidis fyve personis, and that the said Erll wald crave no exhibitioun of thame at this tyme, and wes content that the said Lauchlane M^cIntoshe sould be fred and exonerit of that pairt of the said act, as alsua of his entrie in waird within the said Castle of Edinburgh, but prejudice of the remanent headis, clausis, and conditionis of the said act to stand in full force and effect conforme to the tennour thairof. 176. Quhilk declaratioun maid be the saidis partyis being hard and considerit be the saidis Lordis, and thay ryplie advisit thairwith, the Lordis of Secrete Counsell exoneris, freethis, and relevis the said Lauchlane M^cIntoshe of Dunnauchtane and his cautionaris of that pairt of the said act quhairby he wes bundin to haif presentit and exhibit the saidis fyve personis befoir the saidis Lordis this present day or to haif comperit personalie him selff befoir the saidis Lordis, as alsua to haif enterit his persone in the said waird within the Castle of Edinburgh, under the said pane of twenty thousand pundis, and declairis the said Lauchlane and his cautionaris to be frie of the said act in so fer as concernis the particular pointis and headis abonewrittin allanerlie for ever, and ordanes the said act in the remanent pointis, headis, clausis, and articles thairof to stand in full force, strenth, and effect, conforme to the tennour thairof." (See two entries, *ante*, p. 361.)

conformity with his obligation: his explanation in one matter of his obligation found satisfactory, and exoneration granted him accordingly.

Edin., 18th July 1615.

Proclamation in terms as on p. 742 to the lieges in the sheriffdoms of Air, Renfrew, Dumbartane, Bute, Ergyle, Tarbett, and Innernes, and in the bailiaries of Kyle, Carryk, and Cunninghame.

Proclamation for further levies against Macdonald.

177. Preamble anent the commissions already granted (*ante*, p. 741) for the pursuit of Sir James M^cDonald and his accomplices. "And, whareas it is verie lyklie that thir same rebellis sall repair to the Yle of Arrane, necessar it is that commissioun be grantit to James, Marques of Hammyltoun, Erll of Arrane, and Hammyltoun, Capitane of Arrane, for persute of the saidis rebellis and keeping of the said Yle of Arrane frie of thame." Commissions are therefore granted to the said

Edinburgh, 27th July 1615.

Commission to the Marquis of Hamilton for guarding the Isle of Arran against the rebel Macdonalds.

Earl and Captain to convocate the lieges and proceed against the rebels. The document is couched in the usual terms. The Isles, 1608-1623.

Edinburgh, 4th August 1615.

Renewed commission to the Laird of Auchinbreck for action against the rebel Macdonalds, with powers to him till the return of the Earl of Argyle, who has been charged with the general Lieutenancy for the King in that service.

Preamble as follows:—"Forsamekle as the traytour M°Donald and his rebellious compliceis, continewing in the treasounable cours of thair rebellioun, ar now come over to Yla with purpois and resolutioun as appeiris to prosequute thair foolishe and treasounable descynis in some utheris pairtis of the continent, and sua to procure sa far as in thame lyis some grite disordour and trouble in the countrie, yf tymeous remeid be not providit; for suppressing of whose insolencyis and reduceing of thame to obedience the Kingis Majestie hes gevin ordour and directioun for outriking of ane royall armie, providit with all wearrelyk furnitour, both by sea and land, under the charge and commandiment of Archibald, Erll of Ergyle, who is now upoun his preparationis and comeing home to undergo and prosequute this service." The act then proceeds thus:—"To the effect that in this meantyme, quhill the said Erll come home, and that he be preparit and in reddines with his Majesteis royall armie be sea and land to imbark and enter in the said service, no thing be omittit nor oversene quhilk may frustrat and disapoint the apprehensionis and conclusionis of the saidis traytouris, the Lordis of Secrete Counsell hes prorogat, and be the tennour heirof prorogatis, the first commissioun grantit to Sir Dougall Campbell of Auchinbreck, knycht, for the persute of the saidis traytouris, ordaneing the same to stand in force till the home-comeing of the said Erll, and farder ay and quhill it be specialie dischairgit; and farder hes of new gevin and grantit, and be the tennour heirof gevis and grantis, full power and commissioun, expres bidding and charge, to Sir Dowgall Campbell of Auchinbrek to convocat and assemble togidder the haill fensible personis betuix saxtie and sextene yeiris within the haill boundis of the countreis of Ergyle, Cowell, and Lorne, at all tymes and occasionis neidfull, and with thame to searche, seik, hunt, follow and persew, be sea and land, and with fyre and sword, the said traytour M°Donald and his compliceis," &c. The commission runs in the usual form, and concludes thus:—"And siclyk to command and charge Campbell of Ardkinglas, with his forceis of Cowell, M°Coull of Lorne, and Campbell of Lochinyell, with the forceis of Lorne, and, yf neid sall requyre, Hectour M°Clayne of Dowart, with his forceis, to rys, concurre, and assist the said Sir Dowgall in the service foirsaid, and to joyne and unite thair forceis with his, and to pas fordwart with him and follow his directioun in the said service under the pane foirsaid [i.e. "tynsall of lyff, landis and goodis"]. This present commissioun to indure and stand in force ay and quhill the returne of the said Erll of Ergyle within this kingdome, and farder ay and quhill the said commissioun be specialie dischairgit." Page 178. Page 179. Page 180.

Letter from his Majesty to the Council intimating the appointment

"Richt trustie and richt weill belovit cosenis and counsellouris, and richt trustie and weilbelovit counsellouris, we greate you weill.—Whareas the rebellioun in the Yllis is now come to that height as necessarlie it

Isles, -1623.

requireth a lieutennent in our name to suppres the same, we haif maid choise of the Erll of Ergyll and sent him down, willing him, by suche meanes and in suche manner as ye and he sall aggrie upoun, not onlie to prosequut the personis presentlie in rebellioun, bot lykwis to tak ordour for the full and finall pacificatioun of all the Westerne Yllis. It is thairfore our pleasour that ye caus draw up ane ample commissioun to the said Erll, geving him power by him selff and his deputeis to persew, apprehend, and execute the said rebellis, to intercommoun with thame, and generallie to do all uther thingis tending to the moir speidie and better performance of our service in those placeis. And, becaus it wilbe both troublesome and tedious for us at this tyme to discend into the particulariteis, and for yow to send unto us to crave our advis what nomber of men, and how mutche money, quhat other thingis and in quhat quantitie, wilbe requisit for the prosequutioun of our service, that ye caus the same be dewlie furnishit to our said lieutennent, and also that ye direct him in suche thingis quhairin he sall heirefter crave your advis, according as yee sall think most for our honnour, and at the finall performance of our said service. Yee ar lykwis to advis and sett down dewe priceis for victuallis to be furnissit to our subjectis who sall go in our service, that so thay may be providit wharesonevir thay sall come. Farthermore ye ar to caus proclamationis be maid that none ressave ony of the rebellis, thair wyffis, childrene, goodis, or geir, under the pane of death, and that no landit man do the same under the pane of treasoun, and that nane of what degrie soevir directlie or indirectlie intercommoun with thame without the knawledge and consent of oure lieutennent. And, yf ony in the schirefdome of Ergyll or boundis of Kyntyre sall contravene that proclamatioun, we ar pleasit that our said lieutennent sall haif thair foirfeytouris and eschetis. Yee ar also to caus it be proclamit that whichesoevir of the rebellis sall slay or apprehend another being of als good estimatioun as him selff sall haif a pardoun for all his bipast offenceis. So fair yee well. At Basing, the xxiiijth Julij 1615.—Followis the directioun upoun the bak of the letter. To the richt reverend fatheris in God our trustie and weilbelovit counsellouris the Archbischoppes of Sanctandrois and Glasgow; to our richt trustie and richt weilbelovit cosenis and counsellouris the Erllis of Mar, Montros, Caithnes and Loutheane; to our richt trustie and richt weilbelovit counsellouris the Lordis Scone and Binning; and to our trustie and weilbelovit counsellouris Sir Alexander Hay, Clerk of our Register, Sir William Oliphant, oure Advocat, Sir Gedeoun Murray, Deputie Treasurer, and Sir William Levingstoun of Kilsyth, knycht; or ony sex of them."

of the Earl of Argyle to the general Lieutenancy in the service against the rebel Macdonalds, with powers for the general pacification of the Western Isles, and instructing the Council to prepare the Earl's commission in due form, and to co-operate with him in all ways.

e 181.

"Richt trustie and richt weilbelovit counsellouris, we greit you weill. —We haveing now sent down the Erll of Ergyll for performance of oure service in the Yllis, ye ar to requyre of him that, so far as may be, the spoyle of the countrie may be avoyded, and that in the persute of the rebellis the goodis of no man be taken, bot of suche as willinglie tak

Another letter from his Majesty to the Council on the same business, with some special instructions.

pairt with the said rebellis; that suche of the rebellis as salbe takin alive be put to the ordinarie tryall of ane assys; that suche tennentis of Yla as for feare of the Clandonald haif fled, not being partakeris of thair rebellioun, may be restorit to the possessioun of thair landis and goodis, and that nather thay nor ony uther possessour be ejectit but be dew ordour of law; and generally that civill manneris and customes may be establishit in those Yllis, and all thair ould barbarous customes utterlie abolishit. And, willing yow in all thingis els to give the said Erll as mutche contentment as may be, we bid yow fairweill. At Salusberrie, the 28 of Julij 1615.—Followis the directioun upoun the bak of the letter,—To oure richt trustie and richt weilbelovit cosenis and counsellouris, and to our richt trustie and weilbelovit counsellouris the Commissionaris appointit for directioun of the affairis in the Yllis." The Isles, 1608–1623.

Edinburgh, 22nd August 1615.

[Sederunt as given *ante*, p. 381].

Page 182.

Instructions by the Council to the Earl of Argyle, with various regulations for the conduct of the service in the Western Isles, pay of the soldiers levied, &c.

"The quhilk day it was thoght meitt and ordanit be the Lordis Commissionaris nominat be his Majestie for the present service of the Yllis, and for suppressing of the rebellioun of the traytour M°Donald, that four hundreth waigit men salbe lifted at his Majesteis chairgeis to assist his Majesteis Lieutennent in this service; that every company, consisting of ane hundreth men, comprehending thairin the capitane, lieutennent, ensenyie, and officiaris of the company, sall haif in monethlie pay tuelff hundreth pundis Scottis money. And the Erll of Ergyll, his Majesteis Lieutennent, promist that thir companyis salbe in reddynes to gif thair mustouris at Knapdaill in Ergyll upoun the secund day of September nixtocome. And the Lordis ordanes thair monethlie pay to begin at the geving of thair mustouris; and that the Thesaurer Depute direct one to sie the mustouris gevin.

The Thesaurer Deput, being present, promeist to caus present payment be maid to the said Lieutennent for the first monethlie pay of the saidis four companyis of souldiouris.

And, tuitcheing the remanent monethis pay, so long as this service salbe allowit be the saidis Lordis to be of continewance, the Thesaurair Depute promeist to caus the monethelie pay foirsaid be in reddines in ane of the bailleis housis of Dunbartane upoun the xxiiij day of ilk monethe thairefter, beginand upoun the xxiiij day of September nixt, to be delyverit monethlie to William Stirling of Achyle, whome the said Lieutennent hes nominat to ressave the same, and whose acquittance upoun the ressett thairof the saidis Lordis, with consent of the Lieutennent, decernis to be goode and valide to the Thesaurair Depute and ressavaris of his Majesteis rentis.

Anent the propositioun maid to the saidis Lordis be the Lieutennent craving thair advise and opinioun anent the tyme, forme, and manner of assedgeing of the hous of Dynnevaig, the Lordis findis it meitt for the

Isles, 1623. weill of the service, and advises him, that first with his haill power and forceis he sall persew the rebellis with all celeritie and diligence, and, when thay ar dissipat and thair forceis and companyis sindrit, that then the Lieutennent appoint a sufficient nomber of the waigit souldioris and of the countrie people, for whose fidelitie he wilbe answerable, to attend 183. and avait upon the persut and assedgeing of the hous and gairding of his Majesteis cannoun, and that the Lieutennent or his deputis with the remanent of his forceis hunt, follow, and persew the rebellis with all extremitie.

And, whareas it is requisit and necessar that his Majesteis subjectis who salbe imployit in that service salbe furnist with viveris at ressounable and easie priceis, thairfoir the Lordis hes modifeit and sett doun the priceis following, to be payit be his Majesteis subjectis who salbe imployit in this service for thair viveris during the tyme of this service: that is to say, tuelff pundis for a mairt; tuenty schillingis for a scheip; tuenty schillingis for a stane of cheis; and xlš for a stane of butter.

And, whereas his Majestie hes writtin a letter to the saidis Lordis contening his Majesteis gratious will and pleasour anent the favour and conditionis to be keepit be the Lieutennent in this service to the countrie people, the saidis Lordis ordanes the copie of the letter to be delyverit under the hand of the Clerk of Counsell to the Lieutennent, to the effect the Lieutennent may conforme him selff to the tennour of that letter.

And, becaus it is necessar and expedient for the weill of this service that daylie intelligence be intertenyit betuix the saidis Lordis and the Lieutennent, it is ordanit, with the Lieutennent his awne consent, that he sall send his letteris to Dunbartane or Glasgow, and caus thame be delyverit to the provest and bailleis thairof, and that the saidis Lordis sall writt to the provost and bailleis of Glasgow and Dunbartane, willing thame to ressave the Lieutennentis letteris and to send thame heir in all haist and diligence and with a sure hand, with a letter of thair awne bering the preceis tyme of thair ressett of the Lieutennentis letter; and the caryar and bringer of these letteris from the saidis provestis salbe payit for thair paines. And, tuicheing the letteris to be send from the Counsell to the Lieutennent, thay sall send the same to the provest and bailleis of Dunbartane, who sall send thame to Rosneth, and thair delyver thame to suche personis as the Lieutennent sall appoint to attend thair to ressave thame.

And, the said Lordis being cairfull that the souldiouris now to be lifted for this service sall not be disapointit of poulder, lead, and lunt yf his Majesteis schippis come not in dew tyme to furneis thame, thairfoir, be thair directioun and advise, the Thesaurair Depute hes undertane and promeist to advance and furneis to the souldiouris tua hundreth pund weyght of poulder, with lead and lunt effeirand thairunto, and to caus present delyverie be maid thairof to the said Lieutennent for thair use.

It is ordanit that ane missive letter sall be writtin from the Counsell to the Deputy of Yreland, acquenting him that his Majestie hes maid chois of the Erll of Ergyll for this service, and willing his Lordschip to gif ordour and directioun that nane of the rebellis haif ressett in that countrie: and ordanes the Lieutennent to writt ane letter of his awne to the Deputie for this purpois, as alsua to writ to the schireff of Innerness to the same effect. The Isles, 1608–1623. Page 184.

That missives be writtin to the Magistratis of Glasgow, Air, Irwing, and Dunbartane, willing thame to tak ordour that viveris be send from thair tounes for furnissing of the camp; for the quhilk thay sall ressave reddie and thankfull payment.

That missives be writtin to the Capitane of Clanronald, M^{c}Cloyd of Heireis, M^{c}Clayne, and Donald Gorme, acquenting thame with his Majesteis chois of the Erll of Ergyll for following oute of this service, and willing thame to gif faithfull, efauld, and trew concurrence to him according as thay salbe adverteist and warnit be him.

The Lordis ordanes the Lieutennent to use the Laird of Lawmond and his tennentis kyndlie in this service, and in sic forme and manner as the remanent gentilmen of the countrie who ar in lyk caisis with him ar usit, and that the Lieutennent haif a cair of the suirtie of the Laird of Lawmond and his freindis, and that thay ressave no harme nor skaith in this service, as he wilbe answerable to his Majestie upon the contrarie at heichest perrell.

And, altho present payment be ordanit to be maid of the first monethis pay of the saidis souldiouris to the said William Stirling, and monethely thairefter during the tyme of this service, upoun the xxiiij day of ilk monethe, yitt it is declarit be the saidis Lordis that the service beygnnis upoun the secund day of September nixtocome, and that the monethelie pay of the souldiouris salbe comptit from that day accordinglie."

Commission to James Scott, servitor to the Treasurer Depute, to proceed to Knapdale, count the musters of the 400 soldiers specially ordered to assemble there on 2nd September for service under the Earl of Argyle, and report on the same to the Council.

"Forsamekle as, the Kingis Majestie, with advise of the Lordis Commissionaris nominat be his Majestie for disposeing upon all materis concerning the present expeditioun and service for suppressing of the rebellioun of the traytour M^{c}Donald and his compliceis, haveing allowit four hundreth wageit men to be lifted to assist the Erll of Ergyll, his Majesteis Lieutennent, in this service, and the said Lieutennent haveing promist and undertane to haif the saidis four hundreth men in reddynes to gif thair mustouris at the castle of Soverne (Swein ?) in Knapdaill in Ergyll upoun the secund day of September nixtocome, and the saidis Lordis being cairfull to knowe and understand the certane treuth of the saidis mustouris, yf nomberis be compleit, and in what estait thay sall gif thair mustouris,—thairfoir the saidis Lordis gevis power and commissioun be thir presentis to James Scott, servitour to Sir Gideoun Murray, Thesaurer Depute, to repair to the place foirsaid appointit for geving of the saidis mustouris, and thair to see the saidis mustouris gevin, and to tak notice of the particuler nomberis of the personis who sall gif the saidis mustouris, and in what forme and manner thay mustour, and to report the cer- Page 185.

les, 623. tane and trew estait of the saidis mustouris to the saidis Lordis upoun the nixt Counsell day, the xiij day of September nixtocome."

Full copy of the Commission of Lieutenancy granted to the Earl of Argyle for the service against the Rebellion in the Western Isles.

"Forsamekle as the traytour Sir James M°Donald haveing his hart repleate with treasoun, perjureis, and falsett, and haveing spent the bipast tyme of his young aige when he wes at libertie and friedome in all kynd of mischeif and treacherie, delyting in naithing ellis bot in barbarous, inhumane, and detestable murthoris, slaughter, fyre raisingis, and utheris insolencyis offensive to God and dishonnorable to his Majestie, not sparing his awne fader nor no rank nor sex of personis, young nor auld, whair he micht be maister; and the Kingis Majestie finding that his honnour and justice requyrit some cours and ordour to be tane with the said traytour both for punishement and preventing of his disordouris, seing he gaf sa mony prooffis that as he grew in yeiris so he haid a grouth and delyte in synne, falseit, and wickednes: thairfoir his Majestie causit apprehend him and mak him prisonner, first in the Castle of Blaknes, and thairefter, upoun occasioun of some practizeis discoverit aganis him for brecking of that waird, he wes transportit thairfra to the Castell of Edinburgh, whair he remanit thir divers yeiris bigane, haveing all this tyme his mantennance and allowance out of his Majesteis cofferris.[1] And, whareas his Majesteis clemencie schowne to him in sparing of his lyff so long efter that sentence of death wes pronuncit aganis him sould haif bread in him a remorse for his bigane wicked lyff and a reverend respect and dewtie in all submissive obedience to his Majestie, yitt so far wes he from acknawlegeing the one or the uther that in the folye of his awne imaginationis he did evir meditat and think upoun mischeif and treasoun and upon the meanes and possibiliteis to prosequute the same, and hes haid sindrie unhappie purpoisis in hand, whilkis wer broght to the verie point of executioun, and by the providence of God hes bene discoverit and preventit; and now at last, to crowne all his former treasonis, he wes a plottar and divisar of the first surprise and taking of the Castle of
86. Dynnevaig be Ronald Oig M°Angus, and, in his awne conscience being guiltie thairof and fearing the discoverie of the same be some of the principall actouris thairin who wer broght heir to thair tryall, he for eschewing of tryall and punishement brack waird and eschaipit furth of the Castle of Edinburgh, and hes addrest him to the Yllis, quhair he hes amast togidder a nomber of disordorit lymmaris and brokin men, by whose assistance he hes of new surprisit and tane the said Castle of Dynnevaig, hes slayne the capitane and commander thairof, hes fortifeit the same with men, victuallis, and armour, and hes committit and daylie committis divers insolencyis within the boundis of Yla and Kyntyre, and is of purpois and resolutioun to steir up some grite disordour and trouble in the Yllis, yf remeid be not providit. And, this being a mater tuitcheing his Majestie verie heighlie in honnour, that suche a miserable and wretched cative sould be so long sufferrit to ryn louse without controlment: thairfoir his Majestie hes gevin ordour and directioun, and

[1] "For these earlier antecedents of Sir James Macdonald see *ante* vol. viii. by Index.

hes providit shipping and forceis to persew him and his rebellious compliceis with fyre and swerd be sea and land quhill thay be reducit to obedience. And, whereas it is verie necessar and expedient that the conduct and governament of thir forceis salbe committit to some speciall persone of credite, power, and auctoritie, and his Majestie finding no man so meitt to haif the charge thairof as his richt traist cosing and counsellour Archibald, Erll of Ergyll, Lord Campbell, Kintyre, and Lorne, not onlie in regaird of the said erll his awne freindschip, pouer, and auctoritie in the countreis and boundis ewest to the partis quhair this rebellioun is now fosterit, bot in regaird of the mony good prooffis quhilkis his Majestie hes haid of the said erllis fidelitie, cair, and diligence in sindrie preceiding imployments committit be his Majestie to him, and of the sinceritie of his affectioun and willing dispositioun to undergo quhatsomevir service his Majestie will lay upoun him: Thairfoir his Majestie, with advise of the Lords of his Secrite Counsell, hes maid and constitut, and be the tennour heirof makis and constitutis, the said Erll of Ergyll his Majesteis Lieutennent and Justice within the haill boundis of the schirefdomes of Ergyll and Tarbett, and the haill North and West Yllis, and utheris pairtis and boundis of this kingdome quhatsomevir quhairunto it salhappin the saidis traytouris and rebellis to flie and eschew, to the effect underwrittin: Gevand, grantand, and committand to him and his deputis, for whome he salbe answerable, full power and commissioun, expres bidding and charge, to levey and tak up four hundrethe men of weare under his Majesteis pay, and to nominat and appoint capitanes, commanderis, and all uther officeris over thame, and to convocat utheris his Majesteis liegeis at his pleasour in armes, and to conduct and lead thame be sea and land as he sall think good, and to pas, searche, seik, hunt, follow, and persew with fyre and swerd the said traytour M°Donald and all his followaris, assistaris, compliceis, and partakeris, quhairevir thay may be apprehendit, be sea or land. And suche of thame as salbe apprehendit to commit to waird, and to caus justice be ministrat upoun thame conforme to the lawis of this realme; and for this effect lieutennent and justice courtis at quhatsomevir placeis convenient to sett, begin, affix, hold, and continew, suietis to mak be callit, absentis to amerchiat, unlawis, amerchiamentis, and esheatis of the saidis courtis to ask, lift, and rais, and for the same, yf neid be, to poynd and distrenyie, and in the same court or courtis the saidis personis to call be dittay, to accuse, and thame to the knawlege of ane assise to put, and as thay salhappin to be fund culpable or innocent of the said rebellioun to caus justice be ministrat upoun thame conforme to the lawis of our realme; assysis neidfull for this effect of the personis that best knawis the veritie in the said mater, ilk persone under the pane of fourtie pundis, to sumond, warne, cheis, and caus be sworne; clerkis, servandis, dempsteris, and all utheris officeris and memberis of court neidfull to mak, creat, substitut, and ordane, for whome our said lieutennent salbe haldin to answer; the escheatis of the personis who salbe convict and execute to the dead for this rebellioun to

The Isles, 1608–1623.

Page 187.

The Isles, 1608–1623.

intromett with and uplift, and to the said Lieutennent his awne use to apply; with power alsua to the said Lieutennent and his deputis to pas, persew, and assedge the castle and fortalice of Dynnevaig and all suche uther strenthis and housis within the saidis boundis as ar or salbe tane and detenit be the saidis traytouris aganis his Majestie during the tyme of this commissioun, and to use all force and wearelyk ingyne that can be had for wonneing and recoverie thairof and apprehending of the rebellis and traytouris being thairintill. And, whareas his Majestie hes send some of his awne schippis weill furnist with cannoun and uther wearelyk provisioun to assist this service, whomewith it is requisit and expedient for the weill of this service that a mutuall intelligence and correspondance be intertenyit betuix thame and the said Lieutennent,—thairfoir his Majestie, with advise foirsaid, gevis power lykwise to the said Lieutennent to confer with the capitanes and commanderis of the saidis schippis, to keepe correspondance with thame be writt and message, and to direct thame how and in what forme and manner they sall behaif thame selffis in this service, both in the landing of his Majesteis cannoun and artailliarie, in the assedgeing and batterie of the saidis housis, and in the persute be sea or land of the saidis rebellis and traytouris; willing and commanding heirby the said Lieutennent to tak strick ordour that no just caus of offence be gevin to his Majesteis saidis forceis to be send from England or Yreland, bot that all freindlie assistance be procurit and gevin unto thame in whatsomevir salbe necessar outher for the advancement of the service or for thair ressounable ease and releiff. And, yf in the persute of the saidis rebellis or assedgeing of the saidis strenthis and housis, thair salhappin slauchter, mutilatioun, fyre raising, or ony uther inconvenient quhatsomevir to follow, his Majestie, with advise of the saidis Lordis, decernis and declairis that the same sall not be imput as cryme nor offence to the said Lieutennent and his deputis nor personis assisting thame in the executioun of this commissioun, and that thay nor nane sall not be callit nor accusit thairfoir criminallie nor civillie be ony maner of way in tyme comeing; exonering thame thairof and of all pane, cryme, skaith, and dangeir that thay salhappin to incurre thairthrou for evir. With pouer alsua to the said Lieutennent to tak some good and solide ordour how the haill West Yllis of this kingdome may be retenit and haldin under obedience, and the treasounable practizeis of the disloyall inhabitantis thairof preventit and frustrat, and to mak and sett down actis and statutis and ordinanceis to that effect, and to present the same actis to the saidis Lordis of Prevey Counsaill, to the effect thay may gif thair consent, approbatioun, and allowance thairunto. And, whereas it is verie probable and lyklie that, sen the eschaip of the said traytour out of the castle of Edinburgh, and sen the intaking of the house of Dynnevaig, sindrie of his Majesteis good subjectis who in hart and affectioun ar sinceirlie disposit to his Majesteis obedience hes bene constranit upoun just feir and dredour and aganis thair willis to joyne with the traytour M^cDonald in this rebellioun, and his Majestie, being

Page 188.

movit with pitie and commiseratioun of thir distressit people, finding that his honnour and justice requyris that thay be securit from harme and trouble gif in tyme thay will leave the saidis traytouris and haif no farder dealing with thame: thairfoir his Majestie, with advise of the saidis Lordis, gevis pouer, commissioun, and warrand be thir presentis to the said Lieutennent to promeis in his Majesteis name a full and frie pardoun to all and quhatsomevir personis who hes joynit with the said traytour M^c^Donald in his rebellioun, provyding that, within fyiftene dayis after the comeing of the Lieutennent to the countrie of Ergyll and after the publicatioun of this commissioun, thay leave the rebellis, come to the Lieutennent, and joyne with him in this service,—exceptand alwise furth of this pardoun suche personis as ar guyltie of the treasounable surpris and taking of the hous of Dynnevaig. With pouer lykwis to the said Lieutennent to confer and intercommoun with suche of the rebellis as he sall think good, and to haif intelligence with thame be word, write, or message for drawing of thame to his Majesteis obedience. And, seing afoir the said Lieutennentis comeing to this countrie thair wes sindrie commissionis grantit to utheris personis for persute of the said rebellis and keeping of thair awne boundis frie of thame, and his Majestie and the saidis Lordis being loath that thir commissionis sall infer ony hurt, prejudice, or hinder to the said Lieutennent in the prosequutioun of this service: thairfoir his Majestie, with advise foirsaid, gevis power to the said Lieutennent, as he sall find the occasioun and as the necessitie sall requyre, to discharge all preceiding commissionis formerlie grantit to whatsomevir persone or personis aganis the traytour M^c^Donald and his compliceis, and lykwis to crave the concurrence and assistance of the saidis commissionaris and of all utheris his Majesteis subjectis to be gevin to him in the prosequutioun of this service. And, whereas the ressett, supplie, and favour schawne to the said traytour M^c^Donald and his compliceis hes enboldned and encourageit thame to continewe in thair rebellioun, and his Majestie haveing resolvit examplarly to punishe thir ressettaris, quhairthrou utheris may be terrifeit to commit the lyk heirefter, thairfoir his Majestie, with advise foirsaid, hes gevin, grantit, and disponit, and be the tennour heirof gevis, grantis, and disponis, to the said Lieutennent, his airis and assignayis, the escheatis and foirfeytis of all suche personis within the schirefdome of Ergyll and boundis of Kyntyre who sall ressett, supplie, intercommoun, or haif intelligence with the saidis traytouris and rebellis, nor furneis thame with ony kynd of necessaris, after that lauchfull publicatioun salbe maid of this commissioun at the mercat croceis of Glasgow, Dunbartane, Innerara, and Tarbett. For quhilk purpois his Majestie, with advise foirsaid, doeth straitlie command, charge, and inhibite all and sindrie his Majesteis liegeis and subjectis, of what rank, qualitie, degrie, or conditioun soever thay be, that nane of thame presome nor tak upoun hand to ressett, supplie, nor intercommoun with the said traytour M^c^Donald and his compliceis, furneis thame meitt,

The Isles, 1608-1623.

Page 189.

The Isles, 1608–1623.

drink, hous, nor harborie, nor haif intelligence with thame be word, writt, or message, privatlie and publictlie, under quhatsomevir cullour or pretens, without licence from the said Lieutennent haid and obtenit to that effect, under the pane of treasoun. And farder, his Majestie being gratiouslie disposit and inclynit to shaw mercy to suche of the

Page 192.

rebellis as will prove worthie of favour by some notable peece of service to be done be thame, thairfoir his Majestie, with advise foirsaid, doeth promise by thir presentis that, yf ony persone or personis presently being in this rebellioun or who hes assistit the same will slay or apprehend and present to the said Lieutennent ony of thair compliceis actoris in this rebellioun who ar of als good rank and qualitie as thame selffis, that every sic persone or personis who will slay, apprehend, or exhibit ony of thair compliceis of the rank and qualitie foirsaid sall haif his Majesteis frie pardoun and remissioun for all thair bigane offensis quhatsomevir. With power alsua to the said Lieutennent and personis assisting him in the executioun of this commissioun to beare, weare, and use hacquebutis and pistolettis during the haill tyme that thay ar in this service, and generallie to do use and exerce all and sindrie uther thingis quhilkis for the executioun of this commissioun ar requisit and necessar: firme and stable, &c. And that letteris be direct chairgeing officeris of armes to mak publicatioun be oppin proclamatioun at all placeis neidfull, quhairthrow nane pretend ignorance of the same; and to command and charge all and sindrie his Majesteis liegeis and subjectis betuix saxtie and sextene yeiris, and utheris fensible personis, dwelling within the boundis of the schirefdome of Ergyll and Tarbett, and within the boundis of the West, South, and North Yllis and continent nixt adjacent, and utheris boundis and partis of the kingdome quhairunto it salhappin the saidis traytouris and rebellis or ony of thame to eschew and flie within the tyme of this commissioun, that thay and every ane of thame in thair most substantious and wearelyk manner rys, conveyne in armes, concurre, fortifie, and assist the said Lieutennent and his deputis in the persute of the saidis traytouris be sea or land at all suche tymes and occasionis as thay salbe huntit, followit, chaissit, and persewit towardis thair boundis and countreis be the said Lieutennent or his deputis, and for this effect to meitt the said Lieutennent providit with thair gallayis, lumfadis, birlingis, and uther veschellis able for persut and defence upon sea, at sic dayis, tymes, and places as thay salbe adverteist be his awne missive letteris or proclamationis, and that thay follow the directioun of the said Lieutennent and his deputis in the persute of the saidis rebellis and prosequutioun of this service according as thay salbe commandit be thame, under the pane of tinsall of lyff, landis, and goodis. The said commissioun during his Majesteis will and pleasour, and ay and quhill the same be speciallie dischairgit, to indure."

Page 191.

"Right trustie and richt weilbelovit cosen and counsellour and richt trustie and weilbelovit counsellouris, we greete yow weill.—Haveing maid chois of the Erll of Ergyll to be imployit oure Lieutennent in oure

Letter from his Majesty to the Council, of date 28th July, intimating

that a certain number of them, to be chosen by the Earl of Argyle himself, are to be advisers of the Earl in the conduct of his lieutenancy for the suppression of the Western Rebellion.

service in the Yllis, we haif also, by his awne advise, maid chois of a selectit nomber of yow to be his advisaris and directouris in all occasionis occurring in our said service; whiche we haif done the moir to encourage him to go on confidentlie in his imployment; for with what contentment can ony man bestow his panes and travellis in ony bussynes, or quhat good succes can it possiblie haif, yf he sould distrust the affectioun of his directour ather to the performance of the busynes it selff or yitt to his awne credite and reputatioun? And thairfoir, least the said Erll and some of yow might (as thay say) draw the cat-harrow, and so ather hinder or undo our said service, we haif thocht good to give him contentment in that point of making his awne chois of suche as he desyreth to be advertised and advised by, that so he may both the moir willinglie proceid and be the lesse excusable yf ony thing sould fall oute in oure service utherwis then weill. And, with thusmuche haveing thocht good to acquent yow, we bid yow fairweill. At Sarusberrie, the 28th Julij 1615.—Followis the directioun upoun the bak of the letter. To our right trustie and right weilbelovit cosen and counsellour the Erll of Dunfermelyne, our Chancellour, and to our richt trustie and weilbelovit counsellouris the remanent Lordis and utheris of our Previe Counsell in our kingdome of Scotland."

Letter from his Majesty, of date 13th August, explaining that his former letter of 28th July intimating that a certain number of the Council were to be special advisers of the Earl of Argyle in the business of the Rebellion in the Isles, by no means implies that the rest of the Council are not to do their utmost in the same business.

"Right trustie and right weilbelovit cosen and counsellour and richt trustie and weilbelovit counsellouris, we greate yow weill.—The rebellioun in the Yles being a mater whiche we greviouslie resent, in respect of the extraordinarie and almost incredible presumptioun of a nomber of bas rascallis in attempting aganis oure power [and] auctoritie royall, we wer pleasit to injoyne the cair and directioun thairof to a selectit nomber of yow as a particuler task of more respect then uther commoun affairis, and wharin we wer to crave a moir preceis accompt of thair diligence then of ony uther Counsell mater at this tyme occurring in that our kingdome: according to our custome observit heir; where, when ony busynes of extraordinarie consequence is to be prosequuted, a selectit nomber of our Counsell (inrespect that the whole can not convenientlie be every day assemblit) is by us, and somtyme by them selffis, deputed to attend it, who, according as occasioun offerethe, dispatche it, except quhen suche accidentis of moment occurre as thay think requisit to be expede with more mature deliberatioun,—in whiche caise thay adverteis that oure whole Counsell may be assemblit. Bot oure meaning wes not by our said directioun to exempt the rest of yow from the charge and cair of oure said service, being assuirit that the consequence of the mater and your knawledge of your awne dewtie wald invite yow to haif a cairfull eye to the progres of that busynes, and to be redie, thoght not particulerlie requyrit, both to devise the meanes of the saiftie of our obedient subjectis from the attemptis of the rebellis and also to procure the overthraw of the saidis rebellis by suche good meanes as your judgement and diligence could affoord, and, whensoevir ather the Erll of Ergyll or the Commissionaris for the Yllis sould crave your counsell

Page 192.

The Isles, 1608–1623.

and auctoritie in these affairis, ye wald cairfullie and readelie haif interposit the same, according as the consequence of the mater and your dewty to us requyrit. Whiche perswading our selff yee will most willinglie do, we bid you fairweill. At Lullworthe, the xiij of August 1615.—Followis the directioun upoun the bak of the letter. To our richt trustie and richt weilbelovit cosen and counsellour the Erll of Dunfermeline, our Chancellour, and to our richt trustie and weilbelovit counsellouris the remanent Lordis and utheris of our Previe Counsell in our kingdome of Scotland."

Page 204.

Edinburgh, 4th October 1615.

Proclamation forbidding the reset in the North Isles of any of the fugitives from the now suppressed Rebellion in the West Isles.

"Forsamekle as the rebellis and traytouris of Ila ar now, in the just judgement of God, by the Kingis Majesteis royall power and forces so dissipat, scatterit, and sinderit as nowther ar they able to byde togidder nor to come to ony pairt with suche nomberis as thair power and force may procure ressett unto thame, bot, being now become waike and easie to be overthrawne, thay can not haif being in ony place bot be the favour of the cuntreyis and boundis whairunto thay salhappin to repair; and whereas it is verie liklie that now in this tyme of thair extremitie some of thame sall mak thair addresse to the North Iles and continent nixt adjacent, whair foolischlie thay presome of quyet resset, ayde, and conforte, and that thay may ly and lurke thair whill thay find new meanis to procure some forder disordoure and trouble; and the Lordis of Secrite Counsall nawyse doubting bot that all his Majesteis good subjectis, moved with a haitrent and detestatioun of the perjuries, treachereyis, and falset of thir miserable and wretched catives, will not onlie be war to involve thame selffis in the guylt of thair ignominious treasoun, bot with that will haif a speciall cair and regaird as dewtifull and loyall subjectis to search, seik, hunt, follow, and persew the saidis thevis and traytouris with fyre and swerd, gif thay or ony of thame salhappin to come in thair boundis: yit, to mak suche inexcusable as sall faill in this poynte, and to latt thame knaw quhat just wraith and rigour of punischement thay may expect and look for gif outher publictlie and avowedlie or covertlie by ovirsicht and connivence thay sall resset, supplie, or hurde the saidis traytouris, or be remisse, slaw, or negligent in the persute and prosequutioun of thame, the saidis Lordis ordanis letteris to be direct chairgeing

Page 205.

officeris of armes to pas to the mercat croce of Innernes and all uther places neidfull, and thair be oppin proclamatioun to command, chairge, and inhibite all and sindrie his Majesteis leigeis and subjectis that nane of thame presome nor tak upoun hand to resset, hurde, supplie, or intercommoun with the saidis traytouris and rebellis, furneis thame meete, drink, poulder, bullet, airmour, victuallis, boitis, veschellis, nor no other thing confortable and necessar unto thame, nor haif intelligence with thame, by worde, write, or message, privatlie or publictlie, under quhatsomevir cullour or pretens. And, gif the saidis traytouris or ony of thame salhappin to come in thair boundis, that thay mak diligent search for thame, hunte, follow, and persew thame with fyre and swerd,

apprehend thame, and mak thame sure to be furthcumand to thair punishement, undir the pane of treasoun; certifeeing thame that failyeis that thay salbe repute, haldin, and persewit as traytouris, and salbe accordinglie punist with all rigour." The Isles, 1608-1623.

Edinburgh, 6th October 1615.

Letters from the Council to MacLean of Duart, MacLeod of Harris, Donald Gorme, Mackinnon, and the Tutor of Kintail, enjoining on them alacrity in pursuit of fugitives from the late rebellion in the West Isles.

"Missives of the tennour following direct to M°Clane, M°Cleud of Hereis, Donald Gorme, the Capitane of Clanrannald, M°Kynnone, and the Tutour of Kintale."

The letter, after referring to the fate of the rebels in the terms of the foregoing proclamation, proceeds.—"And thairfore these are to requeist and desyre yow not onlie to be war of thame, bot to tak a present course and ordoure throughout your haill boundis that nane of thir traytouris haif ony resset, beild, or conforte within the same. And, gif ony of thame sall come thair, that diligent search be maid for thame, and that thay be huntit, followit, persewit, apprehendit, and maid suire to be furthcumand to thair tryall and punischement. In doing quhairof as yow sall testifie your goode affectioun to his Majesteis service, and sall do that whilk upoun your dewtie and alledgeance to his Majestie yow are haldin and obleist to do, so, gif ony remisnes or neglect of dewtie salbe tryit aganis yow in this pointe, yow may justlie expect the severitie of his Majesteis havie wraith and indignatioun to be prosequuted aganis yow with all rigour. Quhilk resting assuired yow will please to eschew by all your endevoiris, we commit you to God. From Edinburgh, the sext of October 1616.[1] *Sic subscribitur:* Your verie good freindis, A. Cancellarius; Binning; Alex. Hay." Page 206.

Royston, 27th October 1615.

Letter from his Majesty to the Committee of Council charged with the special care of the Isles business, intimating that, now that the rebellion in the Isles has been substantially suppressed, the paid soldiers levied for that service may be discharged, and the ship employed in the service sent back.

"Richt reverend fatheris in God, richt trustie and weilbelovit counsallouris, richt trustie and richt weilbelovit cosenes and counsallouris, and richt trustie and weilbelovit counsalloris, we grite you weile.—Haveing undirstood by the copie of a letter writtin by the Erll of Ergyle to oure Secretarie, and by him sente to us, that oure rebellis in the West Yllis are dispersed and thair chiftanes fled, we can persave no further necessarie use which the said Erll can haif ather of the waged soldiouris hethirto allowed unto him, or of our shippe, inregaird that his awne force is more then sufficient to stay the rebellis frome any comeing togidder, and oure shippe can have no worthie imployment in those seas this tyme of the yeare (being unfitt to chace small boitis), and utherwyse may be subject to manifest dainger in those tempestuous, narrow, shallow, and rockie wateris. And thairfore we think it fitt that (excepte ye have some solide reasoun to the contrarie) ye caus the said Erll to dischairge the waged soldiouris, and send bak our shippe, whose stay thair now can serve to no purpois bot to put us to so mutche the greater chairge. Bot, gif ye think thair remayneth as yit sufficient employment for some vessell of ware, we ar contented that ye reteyne our pinnace, which Page 192.

[1] Obviously a mistake for 1615. The entry has been omitted from its right place, and stands next to the first entry for the year 1616.

The Isles, 1608-1623. Page 193.

amangis those Iles will now be the fitter of the two. So, exspecting your best indevoiris in directing oure service with convenient expeditioun, we bid you fairweele. At Royston, the 27th of October 1615.—*Sic supra-scribitur:* JAMES R. To the right reverend faderis in God, oure right trustie and weilbelovit Counsellouris, the Archiebishoppis, Erllis, Lordis, and otheris of our Previe Counsell, oure Commissionaris appointit for directioun of our service in the West Iles."

Edinburgh, 4th November 1615. Letter from the Council to the Earl of Argyle conveying to him the King's instruction for the disbanding of the body of paid soldiers levied for service in the Isles, and the return of the King's shipping employed in that service.

"After oure verie hairtlie commendationis to your goode Lordschip.—Informatioun being maid to the Kingis Majestie how that by your Lordschipis panes, cair, and diligence the rebellis in the West Ilis ar dispersit and thair chiftanes fled, and his Majestie thairupoun finding that your Lordschip can haif no forder necessarye use nather of the waged souldiouris nor of his Majesteis shippis, his Majestie thairfoir by his letter sent unto us hes signifeit his will and pleasour that the waged souldiouris salbe dischargeit and his Majesteis shippis send bak, whose stay thair can now serve to no purpois bot to putt his Majestie to so mutche the greatair charge. And thairfoir these ar to requeist and desire your goode Lordschip to dismisse and discharge the souldiouris [and] to send bak his Majesteis shippis with diligence; bot, yf thair be ony necessitie of service and imployment for the pinnace, whairin your Lordschip sall gif a sufficient ressoun and satisfactioun to his Majestie and his Counsell, your Lordschip sall retene and hald still the pinnace so lang as the necessitie of hir imployment and service sall require. And, desyreing your Lordschip to adverteis us with the first occasioun yf the pinnace salbe retenit, and what necessar caus enforceth your Lordschip thairunto, and recommending your goode Lordschip to Godis protectioun, we rest your Lordschipis verie loving and assuired goode freindis:—St. Androis; Lotheane; Binning; Alexander Hay; Kilsayth; Sir W. Oliphant. Edinburgh, the 4 of November 1615.—To the right noble, oure verie honnorable goode Lord, the Erll of Ergyll, his Majesteis Lieutennent over the Iles."

Edinburgh, 24th November 1615.

Sederunt—Chancellor; Secretary; Treasurer Depute; Clerk of Register; Advocate; Medop.

Report by Archibald Campbell in the name of the Earl of Argyle, containing a narrative of the Earl's proceedings and successes in his expedition against the rebel Macdonalds of the Western Isles: together

"The quhilk day in presence of the Lordis of Secrite Counsaill compeirit personalie Archibald Campbell of , in name of Archibald, Erll of Ergyle, his Majesteis Lieutennent over the Iles of this kingdome, and gaif in in write the reporte undirwrittin of the said Erll his proceidingis in the executioun of his Majesteis commissioun of lieutennandrie grantit unto him aganis the traytour M^cDonald; off the quhilk reporte the tennour followis.—

Immediatlie efter that the Erll of Ergyle had ressavit his Majesteis commissioun of lieutennandrie over the Illes he addressit him self with all convenient diligence to Duntroone, quhair the greatest pairt of his

with certain questions referred by the Earl to the Council, and the Council's answers thereto.

forceis did meete him. And, being suirlie informit that the traytour Sir James M^cConeill and his complices, to the nowmer of sevin or aucht hundreth men, wer for that present in Kintyre and of full intentioun thair to remane quhill thay wer be ane gritter pouer forcit out of it, his Lordschip resolvit to mak ane onsett without ony delay alsweill on thair veschellis as on the rebellis thame selffis, and thairfore commandit the Laird of Caddell, who had the conducting of the forceis of Lorne, to mak his onsett on thair veschellis quhair he could heir thame to be, ather in Ile of Giga, the Yle of Cara, or on the mayneland of Kintyre. Lykwyse his Lordschip gaif command to the Laird of Auchinbrek and to some speciall of Auchinbrekis freindis to marche over land to the Tarbert with his Lordschipis forces of Ergyle. My Lord him selff, being accumpaneid with the men of Coull, went by sea to the Tarbert on the uther syde of the mayne land. My Lord went frome Duntroone on the day of September, and was that nicht in the Tarbert, quhair Auchinbrek with the men of Argyle did meete him that same nicht. Coll M^cIllespik, haveing Coline Campbell of Kilberrie set out to him, come with fyftie men the foirsaid nicht to Lochtarbert, quhair he apprehendit the said Coline and some four or fyve with him, quhome he maid his prisonnairis. Airlie the nixt moirning, Coll M^cIllespik being on his way bak agane towardis the Ile of Cara,—quhair he had left M^cRannald and his sones and Sorle M^cJames, quho wer appointed to remane in Cara for keiping of the rebellis veschellis,—he, being on his way as said is, persavit my lord of Argyle his forces of Lorne sailling towardis Gigya; and some of thame, haveing gone in the bak syde of Gigya, maid ane onset on the rebellis who wer in Cara, bot wer preventit by some of the Laird of Largie his servandis, quho persavit my Lord of Ergyle his forceis going towardis the ile quhair the rebellis wer, and set on grite baikynis to mak thame war,—the foirsaid ile not being distant frome land abone twa or thrie myllis of sea. Yit, before the rebellis could get away in thair boittis, thair wer sum of M^cRannald his men apprehendit and slane. Coll M^cIllespik, as said is, being on his way to the Ile of Cara, wes adverteist be ane servand of the Laird of Largeis that my lord of Ergyle his forces had chaissit M^cRannald and these that wer with him out of the Ile of Cara, and had plantit thame selffis thair; so he immediatlie wes forcit to land in Kintyre. Some of my Lord of Ergyle his men, haveing forgadderit with him in his landing, killit a fyftene or sextene of his men, and tooke his foure veschellis frome him. My Lord of Ergyle the foirsaid day sent his forceis of Coull and Argyle within twelf myllis to the place quhair Sir James M^cConeill and his complices wer; bot he, being adverteist that my Lord of Argyle his forces wer comeing by sea and land upoun him, fled away to the Yle of Rachlie, quhair he remanit twa nichtis, and thairefter went to Ila. My Lord of Ergyle being adverteist thairof, and heiring that his Majesteis schippis wer arryvit at the Ile of M^cAcharmick, his Lordschip, with his forces of Lorne, and some of the men of Argyle who had thair veschellis on that

The Isles, 1608–1623. Page 194.

Page 195.

he Isles, 308-1623.

syde of the mayne land towardis his Majesteis schipis, quhair he wes storme stayed for the space of three dayis, thairefter went to the Loddrumes [1] in Yla, a harborie convenient for his Majesteis schippis to abyde in, and good for landing of his Lordschipis forceis out of the danger of the enemey. Haveing stayit thair twa dayis for refrescheing his men, and till he sould heir quhair the rebellis wer and in quhat ordour, immediatlie being adverteist that Sir James with his complices wer in the Rindis of Ila and in ane litle ile neir by callit Ylannoursay, my Lord maid ane onset on thame by sea; quhairin his Lordschipis men wer preventit by some who set on beikynis in the O of Yla, quhairby Sir James wes adverteist that my Lord his forces wer comeing on him.—So, as Sir James M^{c}Rannald and his sones and Sorle M^{c}James fleis away that nicht to Inchedachole, ane yle of the coast of Yreland, Coll M^{c}Gillespik, haveing the keeping of the Castell of Dunyvaig and the Ile of Lochgorme, randerit thame bothe to the Erll of Ergyle, and Coline of Kilberrie, quhome he had taikin captive, and apprehendit M^{c}Phie, on of the principallis quho followit Sir James, and deliverit him to the Erll of Ergyle. And I have presentit him this day before your Lordschipis, with uther fyve Sir James his complices. Efter that the Castell of Dunyvaig and forte of Lochgurme wer taikin, my Lord apprehendit fyften of the principall men of Yla quha wer leaderis of the poore ones to follow Sir James; quhome he causit to be execute thair. And, haveing deliverit the foirsaid Castell of Dunyvaig and fortis of Lochgurme to the Laird of Caddell, his Lordschip come frome Ila in his Majesteis schippis and arryvit in Loch Kilkerrane on the xvj day of October last. His Lordschip no sooner come thair then that thair come on of Sir James his followairis who went with him to Ireland, and undirtook to bring some of my Lordis servandis to the place quhair he left Sir James; and, gif he wer not to be found thair, he wes sure to find him in the toun of Galloway in Ireland in Valentine Blak his house or Robert Blak his house thair, quho ar alledgeit to be ressettairis of Jesuitis. My Lord, being this suirlie informit of Sir James his proceidingis, hes directit threttie of his men in two onsettis to Ireland efter him. As to Sorle M^{c}James and the two and twenty that he had with him, thay are in the Route and Gleines of Ireland. It is alledgeit that the sub-officiaris thair hes gevin thame promeis of protectioun for two monethis. As to M^{c}Rannald and his sones, thay are fled to Lochaber, and my Lord his forces ar in persute of thame thair. As to Glengarrie his sone, he is resset in his fatheris boundis, and my Lord hes some of his servandis efter him. At my Lord his comeing to Kintyre out of Yla he apprehendit some of the principallis thair quho had followit Sir James, and those who maid wairning to the rebellis of the Erll of Ergyle his forceis comeing to Cara. Lykwyse his Lordschip dismissit Capitane Wood, Capitane Merick, with his Majesteis schipis, and the bark quhairin his Majesteis cannoun and munitioun wes, on the tent day of November instant.

Page 196.

[1] *Lodomeis* on p. 764.

As alsua the said Archibald Campbell gaif in the articlis following, quhairunto he craved the saidis Lordis advise and answer: Off the quhilkis articlis and answer the tennour followis:— The Isles, 1608-1623.

QUESTIOUN.

First, to inquire gif thair Lordschipis thinkis it not ane sufficient exoneratioun to the Erll of Ergyle that Sorle M^cJames is in Ireland and hes twa monethis respitt as is alledgeit.

ANSWER.

The Lordis thinkis that the Lieutennent hes done his dewtie and sould be exonerit of Sorle M^cJames, gif he be in Ireland, as is alledgeit, seing his lordschipis commissioun gevis him not pouer to persew Sorle M^cJames in Ireland.

QUESTIOUN.

Secundlie, to crave thair Lordschipis opiniounis gif thair Lordschipis thinkis it not sufficient that, gif M^cRannald his sones may not be apprehendit be my Lord of Ergyle his travellis before my lordis comeing to the Commissionairis, that my lord prove in quhais boundis thay haif had actuall residence.

ANSWER.

Gif M^cRannald and his sones can not be had afore the Lieutennentis comeing heir, gif the Lieutennent will verifie and prove quhair and by quhome thay ar resset, and within quhois boundis thay haif thair actuall residence, he dois his dewtie in that poynte.

QUESTIOUN.

Thridlie, to inquire thair Lordschipis gif Glengarrie will not be obleist for his sone, it being cleirlie provin that he hes actuall residence in his fatheris boundis.

ANSWER.

Glengarrie wilbe haldin to answer for his sone, it being provin that he is resset and hes his actuall residence within Glengarryis boundis.

QUESTIOUN.

Fourtlie, to schaw thair Lordschipis that my Lord of Argyle findis the haill cuntrey people of Kintyre, Ilay, Colonsay, Juray, and Giga guiltie in being in company and bearing wapponis and mustouring with Sir James M^cConeill at such tymes as he appointed, and in geving meate, drink, and harborie to him [and] his followairis; and for the most pairt thay nevir left Sir James, nather in Kintyre nor Ila, untill he wes Page 197.

e Isles, 08–1623.

constraynit to leve thame. Yit, my Lord of Argyle finding the nomber so grite, and that thay alledge that it wes throw just feare that thay went with him or schew him ony favour, thairfore my Lord hes onlie put to the acknowledgement of ane assise suche as had commandiement of companyis with him, who micht have done service on Sir James and his followairis and haif left thame at thair pleasoure, and forberis the rest untill he knaw the Commissionairis pleasour,—altho the extremitie of the law wald tak all thair lyveis.

ANSWER.

The Lordis are of the Lieutennentis opinioun concerning this article; bot thay will first acquent the Kingis Majestie thairwith, and haif his Majesteis will and pleasour thairanent, afore thay gif ony advise thairin to the Lieutennant.

QUESTIOUN.

Fyftlie, to schaw thair Lordschipis that, the Castell of Dunyvaig and Ile of Lochgorme being randerit to the Erll of Ergyle, he hes delyverit thame to the Laird of Caddell, and desyris the Counsaillis allowance to the same.

ANSWER.

At the comeing of the Lieutennent and of the Laird of Caddell heir this article sall ressave ane answer.

QUESTION.

To schaw thair Lordschipis that he who hes undirtakin to bring my lordis servandis to the place quhair Sir James M^{c}Coneill hes residence in Ireland shew my lord, gif Sir James wer out of that place quhair he houpit to find him, he wold suirlie be in the toun of Galloway in Ireland, ludgit ather in Valentyne Blak his hous or in Robert Blak his house, for thay dwell in that toun and hes ane certane sowme of money payit thame yeirlie for receaving of Jesuitis, and Sir James had his moyen maid that be thair meanes he sould be transportit out of the cuntry.

ANSWER.

The Lordis will wryte to the Lord Deputye of Ireland concerning this article."

Page 198.

"Richt trustie and richt weilbelovit cosen and counsallour, and richt trustie and weilbelovit counsallouris, we greete yow weill.—We have receaved the relatioun of the Erll of Ergyllis proceidingis in our service in the Iles, and do weele allow of the answeris gevin by yow to every severall article thairof. As for the article whiche ye thoght fitt to be referred

Newmarket, 12th December 1615. Letter from the King to the Council containing his

Majesty's approbation of the answers given by the Council to the questions submitted to them on the part of the Earl of Argyle, and also his Majesty's instructions on certain reserved points.

unto us, we so fer aggrie with your opinioun thairin as we think the course which our Lieutennent haith taikin with the inhabitantis of Kintyre, Ila, &c., most convenient to be followed till these cuntreyis be fullie setled; bot, becaus those people ar not to be trusted, we leive to yow to devise the way how all meanis of further rebellioun may be taikin frome thame. And, forasmuche as we undirstand that our said Lieutennent hath dismissed oure pinnace and the hoy whiche caryed our ordinance, and reteyned our schip and our said ordinance, we have thocht good earnistlie to require yow (considering that already we loast ane schip in that kingdome) to caus speciall cair be taikin that this other, with all our said ordinance, be cairfullie attended and saiflie returned so soon as the seasoun of the yeir will permitt. And, lastlie, whairas it is reported that the traytour M^{c}Donald and certane of his associatis are in Ireland, as we doubt not bot that before this tyme ye have, according to your promeis, writtin to our Deputye to have a speciall cair of his apprehensioun, so we desyre yow with all convenient expeditioun to adverteis us of his answer, to the intent that we knaw how far to urge him in that poynte. So fair ye weele. Gevin at Newmercat, the 12 of December 1615. *Sic suprascribitur* James R."

[Sederunt as recorded *ante*, p. 431.]

Edinburgh, 21st December 1615.

Personal appearance of the Earl of Argyle before the Council, with his personal report of his proceedings in the Western Expedition, his account of the present condition of the dispersed rebels, and his reference to the Council of certain questions of expense, &c.

"The quhilk day, in presence of the Lordis of Secrite Counsaill, compeirit personalie Archibald, Erll of Ergyle, his Majesteis Lieutennent over the Iles of this kingdome, and gaif in write the reporte underwrittin of his proceidingis in the executioun of his Majesteis commissioun of Lieutennandrie grantit unto him aganis the traytoure M^{c}Donald: off the quhilk reporte the tennour followis:— Page 199.

Howsoone I receavit your Lordschipis commandiementis, I addressed my selff with all convenient diligence to Duntrun, quhair I had occasioun to bring my airmie neir togidder within foure myllis distant be land; quhair my veschellis lay in saulftie, the one upoun the west, the uther upoun the east, of that continent.

The first thing I intendit wes to proclame his Majesteis clemency to suche as alledgeit thame selffis to be retened be the rebellis be force, haveing no place of retreate; to whome I gave the tyme prescryvit in his Majesteis letteris.

Quhill this was in doing, I did try the place quhair Sir James did camp and quhair his veschellis lay, quhose nomber I did find to be nyne hundreth threscore and ten, his veschellis drawn up upoun the coast within ane quarter of a myle to his camp and maist pairt in Laray. Quhairof I being certifeid, I directit two of his Majesteis companyis thair undir pay,—viz.: Johnne M^{c}Dougall of Ragray and Mr Donald Campbell, Sir Johnne Campbell of Caddell, the lairdis of Lochinnell and M^{c}Coull, to the nomber of sevin or aucht hundreth men, be sea; to quhome I gaif speciall directioun to go directlie quhair Sir James

Isles, -1623.

veschellis lay, and, gif it wer possible to thame, to supprise thame be nicht; failling quhairof, to incamp thame selffis in a poynte of land callit the poynte Ardrissak, quhair thay wer to attend my comeing by the east syde of the land accumpaneid with two utheris of his Majesteis companeis undir the conduct of Capitane Boiswell, with Robert Campbell, Capitane of Dwnone, and Coline Campbell of Kilmichell,—the lairdis of Ardkinglas, Lamond, M^{c}Clauchlane, being with my selff to the nomber of sevin or aucht hundreth men.

In the nicht (with the companeis foirsaidis) I come to the Tarbert within ten myllis to Sir James his camp, quho at that tyme being incertane of my comeing had directit Ronnald M^{c}Ronnald, his uncle, to the nomber of three or foure hundreth men, to stop the passage upoun that quarter. Coll M^{c}Gillespik wes also sent be him to the Tarbert with threscore in nomber and three boattis; quho, finding Coline Campbell of Kilberrie, accumpaneid with thrie or foure in nomber being seperated frome the camp, took him prisonner, and convoyit him bak in thair boatis; quhome I persewit [not ?] notwithstanding of my cosines imprisonement, feiring it had bene ane trayne; bot remittit it to the cair of these that I appointit to go by the west coast, becaus of necessitie Coll wes to pas that way.

Coll with his prisonner directed his course toward the Ile of Gigha; quho passing by the coast of the Laird of Largyis landis, a fellow callit M^{c}Sorlegeir spak him and tauld him his enemeyis wer in the Ile of Gigha. Yit he, not beleving that it could be possible, went on directlie his course till suche tyme as he hard and saw his enemeyis. Then he turned with all diligence toward the coast of Kintyre; to which place he wes hotlie followit, his veschellis taikin, and some of his folkis killit.

ge 200.

At this tyme suche as went to persew Ronnald M^{c}James and M^{c}Ronnald of Lochquhaber in the Illis of Gigha and Cara wer disapointed of thair interprise by the treasounable outseting of bekynis and fyris be the Laird of Largyes people, as his awne depositioun at mair lenth proportis. Yit, notwithstanding, M^{c}Rannald wes chaised by Mr Donald Campbell and Lochinnell to the south end of Kintyre, quhair he eschaiped verie narrowlie with the loisis of his veschellis and some of his men.

Ronnald M^{c}James with the rest of the men of Yla wer chassed by the Laird of Calder within schote of the house of Dunyvaig.

In the meantyme Sir James, persaveing his men to be so disordourit, forsuik his camp and tooke him self to flicht.

At this tyme I directit the Laird of Ardkinglas with the nomber of foure hundreth men to assist these that wer in the persute of Sir James M^{c}Coneill, with speciall directioun to thame to follow him to Ila incaice he had left Kintyre. All that nicht thay did camp in his camp, quhair thay wer certanelie informit that he wes gone to Ile of Rachly upoun the coast of Ireland; upoun which informatioun I with thame went to the coast of Jura, and thair incamped togidder; at which tyme we mett with his Majesteis schippis, and thair we undirstood by oure spyes that

he wes come bak from Rachly to Ilay, and had incamped him self neir to ane litle iland callit the Ile of Oversey, being accumpaneid with fyve hundreth men. Howsoone I understood of his comeing to Ilay, I addressed my self in his Majesteis schipis to ane harborie callit the Lodomeis, quhair I did secure the landing of my whole people till thay wer stronglie incamped. The Isles, 1608 1623.

Sir James, than persaveing him self not able to resist by force nor yit possible to flie towardis the north, which wes than his principall intentioun, did send ane messinger unto me desyreing assuirance for four dayis, promissing betuix and that tyme obsolutlie to rander him self in his Majesteis mercie. To whiche assuirance I yeildit conditionalie, providing he wald rander the two fortis he keipit within the space of xxiiij houris; utherwise I wald esteme his offer to be of no uther end bot to attend ane south wind to eschaip. He, finding him selff straited with two extremiteis, did urge Coll M^cGillespik to rander the two foir-said foirtis with the prisonnairis to releve thame out of thair necessitie; Page 201. whiche Coll altogidder refuised.

Quhilas this answer wes in comeing, I wes prepairing my selff to gif the onsett that nicht by sea upoun his veschellis, which wes the onlie meanis by whiche he micht eschaip. Having ressaved his answer that he could not rander thame on the ane pairt, and being adverteist secritlie by Coll that he wes willing to rander thame to me, that samyn nicht that I wes first maid acquent heirwith I directed Sir Johnne Campbell of Calder, Capitane Boiswell with his Majesteis companeis, and utheris, to the nomber of ane thowsand men, ather to surprise him in his camp or surprise his veschellis. Bot, the way betuix the two campis being a grite deale shorter be land nor be sea, he wes acquentit with thair comeing, so that in this extremitie he wes constraynit verie hardlie to eschaip by suddane flicht, with M^cRonnald, Sir James M^cSorlis sone, all being to the nomber of fourty personis, to ane iland callit Inchdaholl. The rest of his companeis wer forced to tak the hillis in the nicht.

M^cFee his boat wes taikin; quhilk servis as ane schip boat to his Majesteis schipis.

On the morrow efter, Coll M^cGillespik maid offer of the twa fortis and twa prisonnairis for the saulftie of his awne lyff and some few utheris; whiche I did accept, inrespect of the unseasounable weather, the extreame seiknes of the maist pairt of the sojouris, and the grite skairsnes of viveris, without ony hoip of supplie.

The fortis wer na sooner randerit bot M^cFie, present prisonner in Edinburgh, and Johnne M^cEane Voir, desirit protectioun quhill thay wer about to do his Majestie service, quhairin thay desyrit no limitatioun bot indureing the merite of thair service and my pleasour; which I suspendit during my aboad in the cuntrey. Bot, howsoone I wes to repair towardis your Lordschipis, I durst not adventure to leave suche remarcable ring-leideris behind me without assuirance of thair loyaltie to his Majestie. In consideratioun quhairof I have presented thame to your Lordschipis.

The Isles, 1608–1623.

Thair wes also ten of the speciallis that followit Sir James hinged in Ilay at that tyme.

The two foirsaid foirtis wes deliverit to Sir Johnne Campbell of Calder, the illand being thus void of all rebellis. Sir James M°Coneill, haveing reteirit to Ireland with his company foirsaid, finding the inconvenient of so grite a troupe, did send bak to Scotland M°Ronnald of Lochquhaber and his sones, with some of the M°Allasteris and M°Kyis in Kintyre; of whiche nomber your Lordschipis hes on M°Ky heir prisonner. I directit to Lochquhaber in searche of M°Rannald. In persute
Page 202. of thir I pairted frome Ila, and come to Kintyre, quhair I directit out sum of my companeis to searche thame; bot thay, heiring of my comeing, fled away, and are secritlie in some obstinat place.

This I did in the space of three monethis, his Majesteis schipis being dismissed according to my former adverteismentis.

And, whereas Capitane Boiswell, who had the chairge of a company in this service, hes verie worthelie, cairfullie, and panefullie behavit him self in this service, thairfore I crave of your Lordschipis that the gentilman may be recommendit be your Lordschipis to his Majesteis favourable consideratioun.

The present estaite of his Majesteis service within the boundis of my commissioun.

The principall authour of the rebellioun, Sir James M°Coneill, with his naturall sone, and one callit Sorle M°Donald, are in one company in Ireland.

Sir James M°Sorle his sone, with the suspected sone of umquhill auld Angus M°Coneill M°Cloyd, with some few otheris, ar in the wodis of Ireland. None of the uther rebellis ar within Kintyre, nor Ilay, nor the Illis within my commissioun; nather is M°Rannald within any pairt of the schirefdome of Argyle and Tarbett.

The rest of the Illanderis presomes thame selffis to be good subjectis, seeing thay compeir how oft thay ar cited before your Lordschipis; sua that, the one pairt being unabled to rebell, and the other so willing to obey, in my opinioun thair is no dainger of rebellioun in these placeis. Bot this I remitt to your Lordschipis wisdome.

After the ingeving and reiding of the quhilk reporte, the said Erll maid twa verbale propositionis, quhairupoun he craved the Counsallis answer, advise, and opinioun: the first tuitching those who dissobeyit his Majesteis proclamatioun and come not to assist him in his Majesteis service, and suche otheris as come and remanit not during the tyme of the proclamatioun, bot depairtit and past hame without licence; and his desyre wes to be resolved quhat course sould be tane with thame. And the secund tuitching the non payment-making to him of his pay and allowance for the moneth of November and half of this moneth of December; quhairin he alledget he wes havelie prejudgit, seeing he had men in service and under pay all this tyme.

Page 203. Tuitching the first article and answer thairunto, he wes ordanit to gif

in a catoluge and roll of the haill personis, and of thair rankis and qualiteis, who dissobeyit the said proclamatioun in not comeing to the service and in depairting and passing hame without licence, to the effect the Counsaill, after dew consideratioun of the said catologue and of the rankis and qualiteis of the personis, may resolve quhidder it be more expedient to call thame criminalie before the Justice in the Tolbuith of Edinburgh, or to gif commissioun for thair tryall to some unsuspected judgeis and in some convenient place for the ease bothe of the pairteis and assissouris. The Isles, 1608-1623.

And, tuitcheing the secund article of the thrid monethis pay, it wes answerit that in the begynning of November last the Commissionairis whome his Majestie trusted with the directionis and dispatchis concerning that service had by warrand and directioun frome his Majestie dischairgit all forder pay to be maid in that eirand,—whairof the said Erll ressavit tymous adverteisment by ane missive letter writtin frome the Commissionaris to him to this effect; and that now thay could not alter thair first conclusioun in that poynte.

Thairefter the Erll wes demandit quhat ordour he had tane with all these who had joyned with the traytour M^{c}Donald in this service, whome by his reporte he gaif up to be in nomber nyne hundreth threscore and ten personis, and quhat suirtie wes tane of thame for thair future obedyence. To this he answerit that the nomber foirsaid consisted of divers rankis of people,—to witt, of North Iles men, of Irischemen, and of these of the South Iles; and of thir, he said, some were fled to Ireland, utheris to the North Iles outwith the boundis of his commissioun; and, for these of Kintyre and Ila, he said that he him self wald be answerable for these within Kintyre and utheris Illis pertening to him selff, and he doubtit it not bot Caddell wald mak the lyke answer for Ila; bot he altogidder refuisit to undirtak to be answerable for the obedience of Ila in tyme comeing, protesting nevirtheles that he with his forceis sould evir be reddy to joyne with Caddell in his defence gif so it fell out that Caddell wer of new distrest and troublit. And, gif it wer the Counsaillis pleasoure that these of Ila sould now be brocht heir to thair punischement, he wes willing to exhibite thame.

This answer being hard, he wes ordanit to gif in a roll of all those who wer with Sir James at the intaking of Dunyvaig, to the effect the Lordis, upoun consideratioun of the roll and of the rankis and qualiteis of the personis, may advise upoun the nixt expedient for thair future obedience." Page 204.

Edinburgh, 27th December 1615.

Caution by the Earl of Argyle for Alexander Macdonald of Largie.

"The quhilk day in presence of the Lordis of Secrite Counsaill compeirit personalie Archibald, Erll of Ergyle, and become actit and oblist as cautionair and souirtie for Alexander M^{c}Donald of Largie, that the said Alexander sall compeir personalie before the Lordis of Secrite Counsaill quhanevir he salbe lauchfullie chairgit to that effect upoun fyften dayis wairning, and answer to quhatsumevir thingis salbe layed

The Isles, 1608-1623.

to his chairge, undir the pane of twa thowsand merkis. And the said Alexander M^cDonald, compeirand also personalie, obleist him and his airis to warrand and releve the said Erll of Ergyle of his becomeing cautioun for the premisis, and of all pane, skaith, and danger that he salhappin to incur thairthrow.—*Sic subscribitur:* Argyle; Alexander M^cDonald of Largye."

Page 206.

"Forsamekle as the Kingis Majestie is resolved, with advise of the Lordis of his Prevey Counsaill, to tak some course and ordour for the perfyte satling of his Majesteis peace and obedience in the Iles quhilkis this tyme bigane hes bene disturbit by the rebellioun of the traytour M^cDonald and his compliceis, and becaus in the handling of thir materis the advise and opinioun of George, Marques of Huntlie, and of Lauchlane M^cIntosche of Dunauchtane wilbe requisite and necessar,—thairfore the saidis Lordis ordanis letteris to be direct chargeing the said Marques of Huntlie and Lauchlane M^cIntosche of Dunnauchtane to compeir personalie before the saidis Lordis upoun the aucht day of Februair nixttocome, to gaif thair best advise and opinioun to the saidis Lordis in the mater foirsaid, undir the pane of rebellioun, &c. with certificatioun, &c."

Edinburgh, 13th January 1616.

Charge to the Marquis of Huntly and the Laird of Mackintosh, requiring their appearance to aid the Council with their advice as to means for dealing with the relics of the Macdonald rebellion.

"Forsamekle as, Allaster M^cRannald of Gargavach, and Ronnald M^cRonnald, his eldest sone, being the principall authouris of the eschaip of the traytour Sir James M^cDonald furth of the Castell of Edinburgh, and assistaris and concurraris with him in all his treasounable courses and rebellioun sensyne, and, being forced to abandoun the placeis of thair first revolte, thay are now in end come to Lochquhaber, quhair thay lurke and ly awaiting the opportunitie and meanis to steir up some new disordour and trouble, heichlie to his Majesteis offence and contempt, gif remeid be not providit; and his Majestie undirstanding the good affectioun of his Heynes richt traist cousing George, Lord Gordoun, and his willing dispositioun to do his Heynes service: thairfore his Majestie hes maid and constitute, and be the tennour heirof makis and constitutis, the said George, Lord Gordoun, his Majesteis Justice in that pairt to the effect undirwrittin." *Then follows an enumeration of the powers of the Commissioner in the terms of preceding Commissions, including full power to punish ressetters of the rebels.*

Edinburgh, 16th January 1616.

Commission to Lord Gordon for pursuit of MacRanald of Gargavach and his son, now fugitives in Lochaber.

Page 208.

Preamble as in the foregoing commission to the Lord Gordoun. "In the executioun of the quhilk chairge necessar it is that he be accumpaneid with a force of his Majesteis good and loveing subjectis dwelland in the cuntreyis nixt adjacent. For quhilk purpois ordanis letteris to be direct chairgeing all and sindrie erllis, lordis, baronis, frehalderis, landit gentilmen, and substantious yeamen, within the boundis of the schirefdome of Perth abone Dunkeld, the schirefdome of Banff abone Carroun, the schirefdome of Innernes (except the boundis and cuntrey pertening to the Lord Kintale and his freindis, who are exemit frome this service, inrespect

Proclamation for levies in Perthshire, Banffshire, Inverness-shire, &c., for the service of Lord Gordon in his said commission.

of the necessitie of thair imployment utherwyse for keiping of the Lewis), and within the boundis of Mule, Morverne, and Torrey, be oppin proclamatioun at the mercat croces of the head burrowis within the saidis schirefdomes and utheris placeis neidfull, that thay and everie ane of thame, weill bodin in feir of weir in thair most substantious and weirlyke maner, ryse, concur, fortifie, and assist the said Lord Gordoun in the prosequutioun of this service; and for this effect to convene and meete him at suche dayis, tymes, and placeis, and with samony dayis victuallis and provisioun, as thay salbe adverteist be the said Lord Gordoun his missive letteris; and that thay go fordwart with him in the said service, and follow his directioun thairintill, according as thay salbe directit and commandit be him, under the pane of tinsale of lyff, landis, and goodis."

Proclamation of a reward of 5000 merks each for the apprehension, living or dead, of MacRanald and his son.

Page 209.

Preamble as in preceding entries. "And, althocht his Majestie hes gevin ordour and directioun for the persute of the saidis Allaster and Ronnald M^cRonnaldis, sua that hardlie sall thay be able to eschaip his Majesteis pouer and forceis, yit his Majestie wilbe verie willing to acknowledge and reward everie suche persone or personis who will tak and exhibite or kill the saidis Allaster and Ronnald M^cRonnaldis and present thair headis before his Majesteis Counsell, And, to the effect nane pretend ignorance thairof, ordanis letteris to be direct chairgeing officeris of airmes to pas to all mercat croceis and utheris placeis neidfull and thair to intimie and declair to all his Majesteis leigeis and subjectis that quhatsumevir persone or personis will tak, apprehend, exhibite, or slay the saidis Allaster and Ronnald M^cRonnaldis, that thay sall have the sowme of fyve thowsand merkis payit and deliverit to thame in present, reddy, and thankfull payment for everie of the saidis Allaster and Ronnald that salbe so tane, apprehendit, exhibite, or slane."

Edinburgh, 26th March 1616.

Act exonerating Macdonald of Largie from further responsibility for Duncan MacDougall.

"The quhilk day in presence of the Lordis of Secret Counsall compeirit personallie Allane M^cDonald M^cAllester, brother to Alexander M^cDonald M^cAllester of Largy, and brocht, presentit, and exhibit befor the saidis Lordis Duncane M^cDowgall, for obedience and satisfactioune of the act and ordinance maid to that effect upoun the xi day of Januair last,—unto the quhilk xi day of Januar Collin Campbell of Lundie, in name of Archibald, Erll of Ergyll, his bruther, and his Majesteis Lieutennent over the Illis, being warnit to haif compeirit befoir the saidis Lordis, to haif hard and seen such ordour tane with the said Duncane as the said Alexander micht be free, exonerat, and releivit of him,—and the said Colline compeirand personallie with the said Alexander, and they being at lenth hard in this mater, the said Lordis, with consent of the said Collin, assignit unto the said Alexander this present xxvj day of Marche for exhibitioun befor them of the said Duncane, and the said Colline promeist outher to attend him self or to caus Mr Alexander Collven, in nam of the said Erle of Ergyll, his brother, attend to tak the said Duncane af the said Alexander handis. And now, the said Colline being callit, and

The Isles, 1608–1623.

he comperand be the said Mr Alexander Cowine, and, the said Mr Alexander being demandit yf he had ony thing to lay to the charge of the said Duncane, he declairit he had nothing to say aganis him, and that he had ressavit no directioun nor informatioun in that mater. In respect quhairof, the Lordis of Secret Counsall exoneris, freis, and releivis the said Alexander M^cDonald of Largy of all forder charg and burdyne of the said Duncane, and declaris the said Alexander to be free of him be thir presentis, becaus the said Duncane, compeirand personallie befoir the saidis Lordis, actit and oblest him self that he sall compeir personallie befoir the saidis Lordis whenever he salbe chargit to that effect upoun threscore dayis warning at the said laird of Largyis duelling house for the tyme, and answer to such thing as salbe layd to his charge, under the pane of dead."

Page 210.

Edinburgh, 29th March 1616. Charge to the Marquis of Huntly and his son Lord Gordon.

"Forsamekle as the Kingis Majestie, with advise of the Lordis of his Secret Counsall, hes past and exped ane commissioun to George, Marques of Huntlie, and George, Lord Gordoun, his eldest sone, as in the commissioun past and exped for the persute of the traitour M^cRonnald and his eldest sone at lenth is contenit, therfor the saidis Lordis ordanis letteris to be direct charging the said Marques of Huntlie and the Lord Gordoun, his sone, to accept the said commissioun in and upoun thame, and to prosequute, follow oute, and execute the same with such diligence as convenientlie may be, as thay will answer to his Majestie upoun thair obedience at thair heighest perrell."

Charge to Colin Campbell of Lundy to appear and undertake service against some of the rebels who have returned from Ireland to the Western Isles.

"Forsamekle as the Lordis of Secret Counsall ar to resolve upoun some course and ordour for suppressing of the appeirand disordouris and troubles lyk to be renewit in the Ilis of this kingdome be ane bastard of Sir James M^cSoirllis, Gillichallum M^cRorye M^cCleud, and some otheris of the traitouris and rebellis who assisted the traitour M^cDonald in his rebellioun this yeir bigane, quhilkis personis being laitlie come from Irland whair thay haif lurkit this last wynter, they haif committit sindrie insolencies in the Ilis, of purpose to do farder if they be not in tyme suppres; and quhairas the Erl of Ergyle, who is his Majesteis Lieutennent and hes the cheif charge and burdyne of this service, is now absent, and, afoir his removing from thense, committit the chairg of his affairis and the commandiment of his men to Colline Campbell of Lundy, his brother, who in that respect aucht to tak upoun him the charge and burdyne of this service: Thairfor the saidis Lordis ordanis letteris to be direct charging the said Colline Campbell of Lundy to compeir personallie befoir the saidis Lordis upoun the xvj day of Apryle nixtocume, to underly such ordour and to ressave such injunctionis as salbe prescryvit unto him in this service, under the pane of rebellioun, &c., with certificatioun, &c."

Commission to Campbell of Lundy, Campbell of

"Forsamekle as sure advertisment is come to the Lordis of Secret Counsall that ane base sone of umquhile Sir James M^cSoirles, with

Auchinbreck, and Campbell of Ardkinglas, during the absence of the Earl of Argyle, for pursuit and capture of some of the late adherents of Sir James Macdonald, who, after having been fugitive in Ireland, have returned to the Western Isles and are renewing disturbances there.

Gillicallum M^cRorie M^cCleud and some otheris of the tratouris and rebellis who assisted the tratour M^cDonald in his lait rebellioun in the Illis, ar come frome Irland, whair thay haif lurkit this bigane winter, towardis the Yllis of this kingdome, and ther they haif tane presonnaris, committit slaughteris, and done otheris insolencyis upoun his Majesteis goode subjectis inhabitantis of the saidis Ilis, intending so far as in them lyis to procure some new disordour and trouble in the Illis, if thair foolishe and treasonable designes be not preventit and resistit; and wheras Archibald, Erle of Ergylle, his Majesteis Lieutennent over the Illis, is now absent furth of this kingdome, sua that in persoun he cannot attend his service; and the saidis Lordis understanding that Colline Campbell of Lundy, Sir Dougall Campbell of Auchinbrek, and Campbell of Ardinkinlas hes the full charge and commandement of his haill power and forceis, pairtlie as baillies to him of his landis and heritage, and otherwayes as haveing charg and commissioun from him self; and seing therby they ar obleist to supplee his absence in every thing quhilk may procure the peace and quietnes of the boundis under his charge: Therfor the saidis Lordis hes gevin and grauntit, and be the tennour heirof gevis and grantis, full power and commissioun be thir presentis to the saidis Lairdis of Lundye, Auchinbrek, and Ardinkinglas, conjunctlie and severallie, to convocat his Majesties liegeis in in armes within the boundis of the said Erl of Ergyll his office, cuntrey, and commandiment, and with them to pas, searche, seik, hunt, follow, and persew with fyre and sword the saidis tratouris and rebellis, be sea and be land, whairever thay may be apprehendit, and to bring, present, and exhibite thame befor the saidis Lordis, to be punist for ther demeritis conforme to the lawis of this realm. And, yf in the persute of thame thair salhappin slaughter, mutilatioun, fyre raising, or ony other inconvenient quhatsumevir to follow, the saidis Lordis declaris be thir presentis that the same sall not be imput as crym nor offence to the saidis commissionaris nor personis assisting them to the executioun of this commissioun; exonering them of all pane, cryme, skaithe, and danger that thay may incure thairthrou for ever; commanding heirby the saidis commissionaris to concure and joyne every one of thame with another in the prosequutioun of this service, and utherwayes, as the occasioun sall present, to follow out the said service be thame selffis; and generallie to doe, use, and exerce all and sundrie otheris thingis quhairby the countrey may be keipit harmles of the saidis traitouris, and the traitouris thame selffis apprehendit; firme and stable halding and for to hald all and whatsumevir thingis salbe laughfullie done heirin: commanding lykwayes all and sundrie his Majesties liegeis and subjectis to ryse, concure, fortifie, and assist the saidis commissionaris, conjunctlie and severallie, in all thingis tending to the executioun of this commissioun, and to convein and meet them at such dayis, tymes, and places as they salbe advertisit, and to follow thair directioun in every thing tending to the furtherance of this service, as they and every

Page 211.

The Isles, 1608–1623.

one of thame will answer upoun the contrarie at ther heighest perrell. This present commissioun till indure untill the returne of the Erll of Ergyll within this kingdome, without any prejudice or derogatioun to the commissioun of the lieutennandrie yitt standing undishargit in the persoun of the said Erll of Ergyll."

Page 212. Commission to the Marquis of Huntly and Lord Gordon against MacRanald of Gargavach and his son.

Commission to George, Marques of Huntlie, and George, Lord Gordoun, against Allaster M^{c}Ronald of Gargavach and Ronald M^{c}Ronald, his eldest son, and their ressetters, in terms identical with those in the commission granted to Lord Gordoun alone against the said rebels, *ante*, p. 767.

Page 215. MacLeod of Harris.

Duplicate of entry, *ante*, p. 489, concerning Macleod of Harris.

Edinburgh, 28th May 1616. Refusal by Campbell of Lundy of lieutenancy over the Isles in the absence of his brother, the Earl of Argyle.[1]

"The quhilk day Coline Campbell of Lundy compeirand personalie befoir the Lordis of Secreit Counsaill, and being dealt with and desirit to accept upoun him ane commissioun of Lieutennandrie over the Yllis during the absence of the Erll of Ergyle, his bruther, seeing the said Erll had promeist and undertane to his Majestie that the said Coline sould accept the said commissionis, the said Coline planelie refuisit to accept ony suche commissioun."

Edinburgh, 13th June 1616. Campbell of Lundy.

Entry concerning licence of Campbell of Lundy to go to Court, in words almost identical with those *ante* p. 539.

Page 213. Edinburgh, 4th July 1616. Caution by Sir Donald MacKay of Strathnaver for Allaster Georgeson.

"The quhilk day in presence of the Lordis of Secrite Counsaill compeirit personalie Sir Donald M^{c}Kye of Straithnaver, and actit and obleist him and his airis as cautionair and souirtie for Allaster Georgesonne, sumtyme in Ulgrumbeg, and now in Portskerauch, that the said Allaster sall compeir personalie before the Lordis of Secrite Counsall quhanevir the said Allaster or his cautionair salbe lauchfullie chairgit upoun fyftene dayis wairning, and answer to sic thingis as salbe demandit of him and laid to his chairge tuitcheing the burning of the barneyaird of Sansett (*ante*, p. 491), undir the pane of ane thowsand pundis.

Sir Donald Ma^{c}Ky (*autograph*)."

Page 215. Edinburgh, 6th July 1616. Campbell of Lundy.

Duplicate of entry *ante*, p. 561, concerning Colin Campbell of Lundy.

Page 214. Edinburgh, 9th July 1616. Caution by Lord Forbes and Sir Donald MacKay for John Robson.

This day Arthour, Lord Forbes, and Sir Donald M^{c}Kye of Strathnaver appeared personally, and became cautioners for Johnne Robsoun, *alias* Gun, in Langwell, in the sum of £1000, that he or they shall appear before the Council when called upon anent the aforesaid burning at Sansett. The entry is subscribed by the cautioners in their own handwriting.

Caution by Lord Berridale for John Reid Rorison and others.

This day appeared William, Lord Sinclair of Berridaill, and found caution for Johnne Reid Rorysoun, Rorye Reid Rorysoun, his son,

[1] *Ante*, p. 525.

William Donald Hendirsoun, and James Donald William Hendirsoun, his brother,—each of the Rorysouns in the sum of 1000 merks, and each of the Hendirsouns in 500 merks,—that they or their cautioner shall appear as above. BERRIDEALL (*autograph*). The Isles, 1608–1623.

Edinburgh, 11th July 1616.

Compearance of seven of the Island Chiefs.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie Hector M^cClayne of Dowart, Sir Rory M^cCleud of Hereis, Donald M^cAllane V^cEane of Ylantyrum, Capitane of the Clanrannald, Sir Lauchlane M^cKynnoun of Strathirdill, Lauchlane M^cClayne, bruther to the said Hector, M^cClayne of Coill, and M^cClayne of Lochbuy, for obedience and satisfactioun of the actis quhairby thay stand oblist for thair compeirance befoir the Counsell anes everie yeir; and upoun thair compeirance askit instrumentis." Page 216.

Order to the said Chiefs to remain in Edinburgh.

"The Lordis of Secreit Counsaill ordanis and commandis the Yllismen abonewrittin to remane in this toun, and not to remove nor pas away quhill thay be fred be the saidis Lordis."

Absence of Donald Gorme excused.

"The quhilk day in presence of the Lordis of Secreit Counsaill compeirit personalie James Logy, in name of Donald Gorme of Slaitt, and produceit ane testimoniall, under the handwrite of Mr George Munro, Chancellair of Ros, Mr James Lauder, Chantour of Ros, Mr Andro Crammy, Deane of Ros, and Mr Johnne M^cKynyee, minister at Dingwall, beareing that the said Donald, haveing come oute of the Sky to the Channonrie agaitward to haif come to this toun to haif gevin his compeirance befoir the saidis Lordis, that in the meantyme he tooke seiknes, and that he wes now lyand bedfast in the Channonrie, unable to travell. In respect of the whilk testimoniall, the saidis Lordis excuisis the absence and not compeirance of the said Donald, and ordanis the said James Logy to adverteis him that he come fordwart heir afoir he go home, yf his helthe and habilitie will onywayes permitt."

Decreet against the Tutor of Ardnamurchan for non-appearance.

"Forsamekle as Donald M^cDonald, Tutor of Ardnamurchin, haveing actit and oblist him self upoun the xxiij day of Marche 1615 to haif compeirit personalie befoir the Lordis of Secreit Counsaill anes everie yeir upoun the tent day of Julij for randering of his obedyence to his Majestie and the Lordis of his Previe Counsaill under the pane of twa thousand merkis, and he being oftymes callit this present day to haif gevin his compeirance with the rest of the Yllismen, and not compeirand, thairfoir the Lordis of Secreit Counsaill findis and declairis that he hes violat and contravenit the said act and not observit and keept the same conforme to the tennour thairof, and thairfoir decernis him to haif incurrit and to incur the said pane of tua thousand merkis, and ordanis letteris and executoriallis to be direct aganis him for payment thairof to his Majesteis Deputie Thesaurair in his Majesteis name and to his Heynes use in forme as effeiris."

Edinburgh, 12th July 1616.

MacLean of Duart.

Duplicate of entry, *ante*, p. 574, concerning MacClean of Duart.[1] Page 217.

[1] For Arroy on p. 574, read Arrois. In this entry it is spelt Arros.

The Isles, 1608–1623. Page 214.

This day Sir Donald M^{c}Kye of Strathnaver became cautioner in the sum of 1000 merks for Rory Donald Gilbertsoun that he shall appear when called upon to answer anent the aforesaid burning at Sanset. The entry is signed by Sir Donald Mackay. Edinburgh, 13th July 1616. Caution by Sir Donald MacKay for Rory Donald Gilbertson.

Page 217.

Entry concerning the presence of certain Highland Chiefs in Edinburgh, to the same effect as *ante*, p. 580. Edinburgh, 17th July 1616. The seven Island Chiefs.

"The quhilk day, in presence of the Lordis of Secreit Counsaill, compeirit personalie the personis particularlie underwrittin, and become actit and oblist, conjunctlie and severalie, for the otheris personis particularlie efterspecifeit, in maner, upoun the conditionis, and under the soumes, following: that is to say, Sir Rory M^{c}Cleude of Hereis, as principall, and Sir Lauchlane M^{c}Kynnoun of Strathurdill and M^{c}Clayne of Coill, as cautionaris and souirteis for him, conjunctlie and severalie; the said Sir Lauchlane M^{c}Kynnoun, as principall, and the saidis Sir Rory M^{c}Cleude and M^{c}Clayne of Coill, as cautionaris and souirteis for him, conjunctlie and severalie; the said laird of Coill, as principall, and the saidis Sir Rory M^{c}Cleude and Sir Lauchlane M^{c}Kynnoun, as cautionaris and souirteis for him, conjunctlie and severalie; Hectour M^{c}Clayne of Lochbuy, as principall, and the said Laird of Coill, as cautionar for him, conjunctlie and severalie; Donald M^{c}Allane M^{c}Eane of Ylantyrum, Capitane of the Clanrannald, as principall, and the saidis Sir Rory M^{c}Cleude and Sir Lauchlane M^{c}Kynnoun, as cautionaris and souirteis for him, conjunctlie and severalie: that the saidis personis principallis, for whome cautioun is now fundin, for thame selffis and takand the burding on thame for all suche personis as thay ar oblist to answer for be the lawis of this kingdome, sall observe Page 218. oure Soverane Lordis peace, [keepe] goode reule and quietnes in the cuntrey, and that thay sall behave thame selffis as lauchfull, ansuerable, and lawbyding subjectis in all tyme comeing, and that thay and everyone of thame during the terme of thair naturall lyves sall compeir befoir the Lordis of his Majesteis Previe Counsell anes everie yeir upoun the tent day of Julij yeirlie, yf it be lauchfull, and, failyeeing thairof, the nixt laughfull day thairefter following: And forder that thay and everyone of thame sall compeir personalie befoir the saidis Lordis sa oft as thay salbe chargeit to that effect upoun lx dayis warning at the duelling housis of thair advocatis and agentis specialie nominat and designit be thame in the preceding actis maid to that effect, in forme and maner specifeit and contenit in the saidis actis, and ansuer to suche thingis as salbe layed to thair charge: As alsua that thay and everyone of thame sall bring, present, and exhibite with thame befoir the saidis Lordis upoun the tent day of Julij nixttocome, yf it be laughfull, and, failyeeing thairof, the nixt lauchfull day thairefter following, the particulair personis underwrittin, nominat and gevin up be thame upoun thair grite and solemne oathe to be the cheif and principall personis of thair clan, viz.:—" Edinburgh, 26th July 1616. Band by Sir Rory MacLeod of Harris, Sir Lauchlan MacKinnon of Strathordale, MacLean of Coll, MacLean of Lochbuy, and the Captain of Clanranald, severally and conjointly, for their future obedience and good behaviour, with a number of obligations laid upon them resembling those imposed by the Band and Statutes of Icolmkill in 1609, but with some of greater stringency.

The said Sir Rory M^cCleude sall exhibite Allaster M^cCleud, his bruther, Williame M^cWilliame V^cCleud, Allaster Avenaugh, Neill M^cTormont, Murdo M^cTormont, his sone, Allaster Bayne M^cAllaster Roy, Neill M^cEane V^cAllaster, Eane M^cRorye V^cConeill V^cEane, or ony three of thame; the said Capitane of Clanrannald sall exhibite Donald Gorme M^cEane Rory Dow, his brother, Angus M^cConeill Gorme, Allaster M^cEane Oig, Donald Gorme M^cAngus V^cAllane, and Ronnald M^cDonald Gorme, or ony tua of thame; the said Sir Lauchlane M^cKynnoun sall exhibite Johnne M^cKynnoun, his uncle, and Ewne M^cKynnoun, bruther to the said Johnne, or ony one of thame; the said M^cClayne of Coill sall exhibite Allane M^cClayne, his uncle, and Johnne M^cClayne, his uncle, or ony ane of thame; and the said Hector M^cClayne of Lochbouy sall exhibite Allane M^cClayne, his bruther, and Murdo M^cClayne, his uncle, or ony ane of thame: and that yeirlie thairefter, yf it be laughfull, and, failyeeing thairof, the nixt lauchfull day thairefter following, the said Sir Rory M^cCleude sall exhibite other three of his kynnismen and freindis abonewrittin, the said Capitane of Clanrannald other tua of his kynnismen and freindis abonewrittin, and the saidis lairdis of M^cKynnoun, Coill, and Lochbuy sall exhibite everyone of thame ane other of thair kynnismen abonewrittin; and sua accordinglie the personis principallis foirsaidis sall yeirlie exhibite thair freindis abonewrittin be turnis, as is abone sett doun; to the effect that by thair comeing heir yeirlie thay may be reduceit to civilitie and maid to acknowlege thair obedyence to his Majestie and his lawis. As alsua that the foirsaidis personis principallis nor nane of thame sall not keepe in houshald with thame ony ma gentlemen servandis nor the particulair nomber following allowit unto thame be this present act, and that thay sall not exceid the said nomber: —that is to say, the saidis Sir Rory M^cCleude and the Capitane of Clanrannald, ather of thame, sex gentilmen, and the Lairdis of Coill, M^cKynnoun, and Lochbuy, ilkane of thame, three gentlemen, and for every tua of thair gentlemen abonewrittin that thay sall keepe bot ane boy. As alsua that the saidis principallis sall purge thair cuntreyis of sornaris and ydill men wanting a trade, calling, and laughfull industrie. And that the saidis personis principallis nor nane of thame sall not beare nor weare hacquebutis nor pistollettis bot in the Kingis Majesteis service, and that thay sall tak ordour and gif directioun throughoute thair haill boundis that nane of thair kine, servandis, tennentis, nor cuntrey people sall beare or weare hacquebutis or pistolettis bot in the Kingis service; and that thay sall tak the lyke ordour and gif directioun that nane of thair men, tennentis, servandis, nor cuntrey people (exceptand alwayes thame selffis and the particulair nomber of thair housholde servandis allowit to thame in maner foirsaid) sall weare swerdis or ony otheris waponis or armour within the Yllis. As alsua that the saidis personis principallis and everyone sall mak thair residence and duelling at the particular placeis underwrittin now designit be thame for thair duellingis:—viz. the said Sir Rory M^cCleude at Dunveggane, the said

The Isles, 1608-1623.

Page 219.

The Isles, 1608-1623.

Capitane of Clanrannald at Ylantyrun, the said Sir Lauchlane M^cKynnoun at Killimoynrie, the said Laird of Coill at Brecache, and the said Laird of Loichbuy at Moye; and that suche of the saidis personis as wantis duelling housis ansuerable to thair rankis in the placeis foirsaidis sall with all convenient diligence prepair materiallis and builde civile and comelie housis for thair duellingis; and, wher thair housis ar decayit, that thay sall repair and mend the same, and that thay sall mak policie and planting about thair housis, and that thay sall tak maynes about thair housis in thair awne handis, and labour the same with thair awne goodis, to the effect thay may be thairby exercised and eshew idilnes; and, wheiras the Capitane of Clanrannald hes not maynes about his house, that thairfoir he sall labour with his awne goodis the maynes callit Hobeg in Ust now designit be him for his maynes, and that he sall tak the same in his awne handis. And that the saidis personis at Martymes nixt sall sett the rest of thair landis to tennentis for a certane constant and cleir dewytie, and that thay sall exact no forder frome thair tennentis bot the cleir dewytie contenit in thair tak and sett; especiallie that thay sall in all tyme comeing forbeare the taking of cowdighis frome thair tennentis, and sall content thame selffis with the constant and cleir dewytie for the quhilk thair landis ar sett. And that the saidis personis principallis nor nane of thame, according to thair severall oblismentis, sall haif or keepe ony ma birlingis of xvj or xviij airis bot everyone of thame ane; and that, quhen thay travell athorte the Ilis with thair birlingis and comes on land, that thay nor nane in companie with thame in thair birlingis sall not sorne upoun the cuntrey. And siclike that the saidis personis principallis sall send thair bairnis being past the aige of nyne yeiris to the scollis in the Lawlandis, to the effect thay may be instructit and trayned up to write and reid and to speake Inglishe. And thay ar content and consentis that, according to ane act of Counsaill maid to this effect, nane of thair bairnis salbe served air unto thame, nor acknowlegeit nor ressavit as tennentis to his Majestie, unles thay can write, reid, and speake Inglishe. And, last, that the saidis personis principallis nor nane of thame sall not rine nor drink, nor suffer to be rwn or druckin in thair housis, ony ma wynes nor by this present act is allowed unto thame:—viz. to the said Sir Rory M^cCleude foure twn of wyne, to the said Capitane of Clanrannald, to M^cKynnoun, Coill, and Lochbouye, ilkane of thame, ane twn of wyne; and that thay sall not exceid the quantitie of wyne abonewrittin allowit to thame to be rwn in thair housis; and that thay sall tak a strait ordour throughoute thair haill boundis that nane of thair tennentis or cuntrey people by or drink ony wynes. And heirto, and for fulfilling of the haill pointis, clausis, and headis of this present act, the personis principallis and cautionaris abonewrittin bindis and oblisis thame *respective* according as thay ar severallie and particularlie bundin, under the panes following *toties quoties* incaise thay failyee in ony point of the premisis:—that is to say, the said Sir Rory M^cCleude under the pane of

Page 220.

aucht thowsand pundis, the said Capitane of Clanrannald under the pane ten thowsand merkis, the saidis Lairdis of M°Kynnoun, Coill, and Loichbouy, ilkane of thame, under the pane of fyve thowsand merkis. And the saidis personis principallis oblist thame and thair airis to warrand and releve ilkane of thame thair awne cautionaris of thair becomeing caution for the premisis and of all pane and dangeir that thay salhappin to susteane thairthrow." The Isles, 1608–1623.

Order to MacLean of Duart and his brother to find similar caution.

"The Lordis of Secreit Counsaill ordanis that Hector M°Clayne of Dowart, and Lauchlane M°Clayne, his bruther, sall find the like cautioun and souirtie as the remanent Yllismen abonewrittin hes fundin, under the panes following,—that is to say, the said Hectour under the pane of ten thousand pundis, and the said Lauchlane under the pane of fyve thousand merkis." Page 221.

Nomination by MacLean of Duart of the chief persons of his clan.

"The quhilk day Hector M°Clayne of Dowart nominat and gaif up upoun his oathe the personis following to be the cheif and principallis of his clan,—viz.: Lauchlane, Allane, Gilleane, and Charlis M°Claynes, his brether, Allane M°Eanduy M°Cleanis sone, Hector M°Clayne, sone to Hector M°Clane, bruther to the said Hector, Johnne Garrow M°Clayne, Lauchlane M°Coneill V°Neill, Hector M°Clayne, sone to Allane M°Eanduy, Neil M°Ilra, and Donald M°Rory, Capitane of Dowart."

Nomination by MacLeod of Harris and the Tutor of Kintail of the chief clansmen of Donald Gorme.

"The quhilk day Sir Rory M°Cleude of Hereis, and Rory M°Kanyee of Coygach, Tutour of Kintaill, gaif up the personis following to be the cheif and principallis of Donald Gorme his clan: to witt, Allaster, bruther to the said Donald Gorme, Donald Gromiche M°James, Donald M°Eane M°James, bruther sone to the said Donald Gromiche, Donald Gorme, sone to umquhile Gillespik, bruther to the said Donald Gorme, Allaster M°Hutcheoun V°Gillespik, Gillespik M°Eanduy, Johnne M°Allaster M°Wraughter, and Allaster M°Ronnald Calboigh."

Nomination by the Captain of Clanranald of those of his clan who are disobedient.

"The quhilk day the Capitane of Clanrannald gaif up the personis following to be dissobedient and unanswerable personis: to witt, Ronnald M°Allane, Johnne M°Allane, and Rory M°Allane, his awne brether."

Similar nomination by Sir Lauchlan MacKinnon.

"The quhilk day Sir Lauchlane M°Kynnoun gaif up the personis following of his clan to be disobedient personis: to witt, Donald Reogh M°V°Tarligh, Eane M°Tarligh V°Coneill, Angus M°Coneill V°Neill, Donald M°Neill Guone (?), Johnne Roy M°Tarligh; and that the said Donald Reogh wes with the rebellis of Yla, and is now with Donald Gorme; and that Angus M°Coneill V°Neill past away with the traytour M°Donald, and is now with Donald Gorme; and that Johnne Roy is with the traytour M°Soirle."

MacLean of Duart and his brother.

"The Lordis allowis to M°Clayne aucht houshald gentlemen, and to his brother Lauchlane tua gentlemen; and the said Hector designit the place of Dowart for his duelling. The Lordis allowis to him foure twne of wyne to be rwn or drukin in his house."

MacLean of Duart and his brother committed to ward for non-payment of duties to his Majesty.

"And, whereas the said Hector M°Clayne of Dowart is debtfull to his Majestie in his maillis and dewyteis, whairof the said Hector will mak no payment, nather will he, nor the said Lauchlane, his bruther, find Page 222.

The Isles, 1608-1623.

cautioun as the rest of the Yllismen hes done, thairfoir the saidis Lordis ordanis thame to be committit to warde within [the] Castell of Edinburgh, thairin to remane upoun thair awne expensis ay and quhill thay find the said cautioun and quhill the said Hectour mak payment of his saidis maillis and dewyteis." (*Ante*, p. 588.)

Act forbidding the drinking of wines by the common people of the Isles.

"Forsamekle as the grite and extraordiner excesse in drinking of wyne commonlie usit amangis the commonis and tennentis of the Yllis is not onlie ane occassioun of the beastlie and barbarous cruelteis and inhumaniteis that fallis oute amangis thame to the offens and displeasour of God and contempt of law and justice, bot with that it drawis nomberis of thame to miserable necessitie and povertie, sua that thay ar constraynit quhen thay want of thair awne to tak from thair nichtbouris: for remeid quhairof, the Lordis of Secreite Counsell statutis and ordanis that nane of the tennentis and commonis of the Yllis sall at ony time heirefter buy or drink ony wynes in the Ylles or continent nixt adjacent, undir the pane of tuenty pundis to be incurrit be every contravenair *toties quoties*, the ane half of the said pane to the Kingis Majestie, and the uther half to thair maisteris and landislordis and chiftanes; commanding heirby the maisteris, landislordis, and chiftanes to the saidis tennentis and commonis, everyone of thame within thair awne boundis, to sie this present act preceislie and inviolablie keept, and the contravenaris to be accordinglie punist, and to uplift the panes of the contravenaris, and to mak reckning and payment of the ane halff of the said panes in [his] Majesteis Exchecker yeirlie, and to apply the uther halff of the said panes to thair awne use."

Act ordaining that the children of all the Island Chiefs and of their principal clansmen be sent for their education to schools in the inland country.

"Forsamekle as the Lordis of Secrete Counsell understanding that the cheif and principall caus quhilk hes procurit and procuris the continewance of barbaritie, impietie, and incivilitie within the Yllis of this kingdome hes proceidit from the small cair that the chiftanes and principall clannit of the Yllis hes haid of the educatioun and upbringing of thair childrene in vertew and learning,—who being cairles of thair dewteis in that point, and keeping thair childrene still at home with thame, whair thay sie nothing in thair tendar yeiris bot
Page 223. the barbarous and incivile formes of the countrie, thay ar thereby maid to apprehend that thair is no uther formes and dewteis of civilitie keept in ony uther pairt of the countrie, sua that quhen thay come to the yeiris of majoritie hardlie can thay be reclamed from these barbarous and incivile formes quhilkis for laik of instructioun wer bred and satled in thame in thair youth, whereas, yf thay had bene send to the Inland in thair youthe and traynit up in vertew, learning, and the Inglis tung, thay wald haif bene the better preparit to reforme thair countreis and to reduce the same to godlines, obedience, and civilitie,—Thairfoir the saidis Lordis hes ordanit and commandit, and be vertew of this present act ordanes and commandis, the haill chiftanes and principall clanit men of the Yllis, that thay and every ane of thame send thair bairnis, being past nyne yeiris of age, to the scoolis in the Inland, to be trayned up in

vertew, learning, and the Inglish tung, and ordanes that no personis quhatsomevir in the Yllis salbe servit air to thair father or utheris predicessouris, nor ressavit nor acknowlegeit as tennentis to his Majestie, unles thay can write and reid and speake Inglishe. And ordanes letteris of publicatioun to be direct heirupoun, quhairthrou nane pretend ignorance of the same." (*Ante*, p. 775.) The Isles, 1608–1623.

Edinburgh, 2nd August 1616.

Caution by Macdonald of Largie for his brother.

"The quhilk day in presence of the Lordis of Secrite Counsell comperit personalie Alexander M^cDonald of Largy, and become actit and oblist as cautioner and souirtie for Johnne M^cDonald, his bruther, that the said Johnne sall compeir personalie befoir the Lordis of Secrete Counsell quhenevir he or his said bruther salbe lauchfullie chairgit to that effect upoun fyiftene dayis warning, and answer to suche thingis as salbe layed to his charge, under the pane of ane thousand pund. *Sic subscribitur*: Alexander M^cDonald of Leargye."

Edinburgh, 26th August 1616.

Registration of band for the future good behaviour of Donald Gorme of Slait in similar terms to those of the band for the other Island Chiefs at p. 773.

"The quhilk day in presence of the Lordis of Secrete Counsell comperit Mr Archibald Achesoun, advocat, as procuratour for the personis principall and cautioner underscryvand, and gaif in &c., desyreand &c.: off the quhilk the tennour followis:—Be it kend till all men be thir present letteris me Donald Gorme of Slait, as principall, and we Donald M^cAllane V^cEane of Ylantyrun, Capitane of the Clanronald, and Johne Stewart of Ardishill, as cautionaris and souirteis for me the said Donald Gorme, to be bundin and oblist, and be the tennour heirof bindis and oblisis us, conjunctlie and severlie, that I the said Donald Gorme, for my selff and takand the burdyne on me for all suche personis as I am oblist to answer for be the lawis of this kingdome, sall observe oure Soverane Lordis peace, keepe good rewle and quyetnes in the countrie, and salbehave our selffis as lauchfull, answerable, and lawbyding subjectis; and that I the said Donald Gorme during the terme of my naturall lyff sall ance every yeir, upoun the tent day of Julij yeirly, yf it be lauchfull, and failyeeing thairof the nixt laughfull day thairefter following, compeir personalie befoir the Lordis of Secrite Counsell; and farder that I sall compeir personalie befoir the saidis Lordis so oft thairefter as I salbe chairgit to the effect upoun thriescoir dayis warneing at the duelling hous of my advocat and agent speciallie nominat and designit be me in ane act of Counsell maid to that effect, in forme and manner specifeit in the said act, and answer to sic thingis as salbe layit to my charge: As alsua that I sall bring, present, and exhibite with me befoir the saidis Lordis upoun the said tent day of Julij nixtocome, yf it be lauchfull, and failyeeing thairof the nixt lauchfull day thairefter following, the personis particularlie underwrittin gevin up in presence of the saidis Lordis to be the cheif and principall personis of my clan,—to wit, Allester M^cDoneill, bruther to me the said Doneill, Donald Gorme, sone to umquhile Gillespick, bruther to me the said Donald Gorme, Donald Gromich M^cJames, Donald M^cEan M^cJames, Page 224.

The Isles, 1608–1623.

bruther sone to the said Donald Gromich, Allester M^{c}Hutcheoun V^{c}Gillespick, Gillespick M^{c}Eane Duy, Johne M^{c}Allester M^{c}Waughter, and Allester M^{c}Ronald Calboigh, or ony thrie of thame; and that yeirlie thairefter upoun the tent day of Julij, if it be lauchfull, and failyeing thairof the nixt lauchfull day thairefter following, I the said Donald Gorme sall exhibite uther thrie of my kynnismen and freindis abone-writtin, and accordinglie thairefter sall yeirlie exhibite thrie of thame be turnis; to the effect that by thair comeing heir yeirlie thay may be reducit to civilitie and maid to acknawlege thair obedience to his Majestie and his lawis. And that I [the] said Donald sall not keepe in houshald with me ony mae gentilmen nor sex, and for every tua gentilmen I sall keepe bot ane boy. That I the said Donald sall purge my countrie of sornaris and idill men wanting a tread, calling, and lauchfull industrie. That I the said Donald sall not beare nor weare hacquebutis nor pistolettis bot in the Kingis Majesteis service; and that I sall tak ordour and gif directioun through oute my haill boundis that nane of my kin, freindis, tennentis, nor countrie people sall beare and weare hacquebutis and pistolettis bot in the Kingis Majesteis service; and that I sall tak the lyk ordour and directioun that nane of my men, tennentis, and servandis or countrie people, exceptand alwise my selff and the sex gentilmen of my houshald servandis, sall weare swordis or

Page 225.

ony uther wapponis or armour within the Yllis. That I said Donald sall mak my residence and duelling at Duntillim; and, yf I haif not a sufficient and comelie hous answerable to my rank and estaite alredie thair, that I sall with all convenient diligence prepair materiallis and caus build ane civile and comelie hous, and, yf my hous be decayit, that I sall repair and mend the same; that I sall mak policie and planting about my hous; that I sall tak a maynes in laboring in my awne hand, and labour the same with my awne goodis, to the effect I maybe thairby exercisit and eshew idilnes; and that at Martymes nixt I sall sett the rest of my landis to tennentis for a certane constant and cleir dewtie, and that I sall exact no farder from my tennentis bot the cleir dewtie contenit in thair tak; and in speciall that in all tyme comeing I sall foirbeare the taking of cowdighis and presentis from my tennentis, and sall content my selff with the constant and cleir dewtie for quhilk my landis ar sett. That I sall not haif nor keepe ony mae birlingis of xvj or xviij aires bot ane; and, quhen I travell athort the Yllis with my birling and comes on land, that I nor nane of my company sall not sorne upoun the countrie. That I sall send my bairnis, yf I ony haif, being past the age of nyne yeiris, to the scoolles in the Lawland, to the effect thay may be instructit and traynit up to write and reid and speik Inglishe; and I am content and consentis that, according to the act of Counsell maid to this effect, nane salbe servit air to me nor acknawlegit nor ressavit as tennentis to his Majestie unles thay can write and reid and speik Inglische. And, last, that I sall not rinn nor drink, nor suffer to be rwn and drukkine, in my hous, ony mae wynes

nor be this present act is allowit unto me,—viz. four twnes of wyne; and that I sall tak a streate ordour throgh my haill boundis that nane of my tennentis and countrie people sall buy or drink ony wynes. [All] under the pane of aucht thousand pund *toties quoties*, incaise I failyee in ony point of the premisis. And I the said Donald Gorme bindis and obleisis me and my airis to warrand [and] releve my saidis cautioneris of thair becomeing cautioun for the premisis and of all pane and danger that thay salhappin to sustene thairthrou. And, for the mair securitie, we, principall and cautioneris, ar content that thir presentis be registrat in the bookis of Secrete Counsell to haif the strenth of ane decreit of the Lordis thairof, with executoriallis to pas thairupoun in forme as effeiris, and for registrating heirof constitutis Mr Archibald Achesoun, advocat, our procuratour. In witnes quhairof we haif subscryvit thir presentis as followis, viz.:—We, the saidis Capitane of Clanronald and Johnne Stewart, at Edinburgh, the secund day of August the yeir of God j^{m} vj^{c} and sextene yeiris, befoir thir witnesis,—Mr James Lyntoun, servitour to my Lord Binning, Mr Alexander Pacok, Robert Peiblis, and Thomas M^{c}Ilvane, servitouris to Thomas Couttis, writer; And I the said Donald Gorme at the Channorie, the xvj day of August the said yeir of God j^{m} vj^{c} and sextene yeiris, befoir thir witnesis,—Kenneth M^{c}Quein, Neill M^{c}Kynnon, Kenneth Baine, and Mr William M^{c}Culloch.—*Sic subscribitur*: Donald Gorme off Sleatt, J. Stewart of Ardsell, Donald M^{c}Allane V^{c}Eane abonewrittin, with my hand at the pen led be the notaris underwrittin at my command becaus I can not writ (*Ita est, Thomas Couttis, notarius publicus ac testis in premissis, de speciali mandato dicti Donaldi M^{c}Allane requisitus, scribere nescientis ut asseruit, testantibus his meis signo ac subscriptione manualibus: Ita est, Jacobus Gordoun, conotarius in premissis requisitus, testantibus his meis signo et subscriptione manualibus*), Mr Ja. Lyntoun, witnes, A. Pacok, witnes, Ro. Peblis, witnes, Thomas M^{c}Ilvane, witnes; Kenneth M^{c}Quein, witnes to Donald Gormes subscriptioun, Neill M^{c}Kynnoun, witnes to Donald Gormes subscriptioun, Kenneth Baine, witnes to Donald Gormes subscriptioun, Mr Wm. M^{c}Culloch, witnes to Donald Gormes subscriptioun."

The Isles, 1608–1623.

Page 226.

Edinburgh, 2nd September 1616.

Caution by MacLean of Duart, and his father-in-law, Acheson of Gosfurd, that, if released from Edinburgh Castle, he will reside with his said father-in-law, and appear when summoned.

"The quhilk day in presence of the Lordis of Secrete Counsell comperit personalie Hectour M^{c}Clayne of Dowart, and actit and oblist him, that he, being fred and relevit of his present waird quhair he now remanis within the Castle of Edinburgh, sall immediatly addresse him selff to Achesoun of Gosfurd, his father-in-law, within the boundis of Loutheane, and that he sall not remove nor pas from him withoute licence of his Majesteis Counsell haid and obtenit to that effect, and that he sall compeir personalie befoir his Majesteis Counsell quhenevir he salbe lauchfullie chairgit to that effect upoun sex dayis warneing and answer to sic thingis as salbe layed to his charge, under the pane of fourty thousand pund. And siclyk comperit personaly the said Atchesoun of Gosfurd, and actit and oblist him that he sall bring,

The Isles, 1608–1623.

present, and exhibite the said Hectour befoir the saidis Lordis quhenevir he salbe lauchfullie chairgit to that effect upoun sex dayis warneing, under the pane of fyve thousand merkis. And the said Hectour M°Clayne actit and oblist him and his airis to warrand and releve the said Alexander Atchesoun of Gosfurd of his becomeing cautioun for him to the effect abonewrittin, and of all pane, skaith, and danger that he salhappin to incurre thairthrou. *Sic subscribitur*: Makleane off Doward; Alexander Atchesoun, cautioner."

Edinburgh, 8th November 1616.

"The quhilk day in presence of the Lordis of Secrite Counsell comperit personalie Johnne Stewart of Ardsell, and actit and oblist him and his airis as cautioner and souirtie for Jonnett Makdowgall, spous to Alester M°Ronnald of Gargavach, that she sall not ressett, supplie, nor intercommoun with the said Alester M°Ronnald of Gargavach, hir husband, nor na utheris the traytouris and rebellis of the Yllis, nor furneis unto thame meitt, drink, hous, harborie, nor na utheris thingis confortable unto thame, nor haif intelligence with thame, be word, write, or message, in ony tyme comeing, under the pane of ane thousand merkis."

Caution for Janet MacDougall, wife of MacRanald of Gargavach.

Page 227.

J. Steuart of Ardsell (*autograph*).

FINES.

A.D. 1614–1616.

FINES.

Fines, 1614-1631. Fol. 3, a.

Edinburgh, 10th February 1614. Case of the Laird of Blackwood, in prison in the Tolbooth of Edinburgh for not producing two of his relatives.

Petition by George Weir of Blakwod, as follows:—He has been detained for a long time in the Tolbooth of Edinburgh for not exhibiting Hew Weir of Clowburne, and Agnes Ballenden, his sister uterine. Now, however, the said Hew has been exhibited before the Lords and is by their direction "sequestrat with" Thomas Inglis, merchant burgess of this burgh. Petitioner cannot exhibit his said sister so long as he remains in the Tolbooth. "It is of treuth that, althoght scho be his suster, yitt scho wes nevir subject to him nor under his commandiment, bot hes bene broght up in houshald and company with the Laird of Corhous, hir father, continewallie sen hir birth; lyk as scho is presentlie with hir said father in Yreland, who will rather the said George Weir, who is onlie sone-in-law to him, undirgo quhatsomevir trouble or he exhibit his dochter heir. And yitt, yf the said George wer frie at libertie, he hoipis so fer to prevaill with the lady Corhous, his mother, and mother to the said Agnes Ballenden, that be hir meanes he sall gett the said Agnes broght oute of Yreland." Petitioner craves his liberty, and promises to find caution for the exhibition of the said Agnes.—Sir Gedeon Murray of Elibank, knight, Treasurer Depute, and James Inglis, merchant burgess of Edinburgh, who had been warned to answer to the said petition, appearing personally, and the said Laird of Blakwod being also personally present, the Lords order petitioner "to act himselff that the said James Inglis salbe harmeles and skaithles of him and of James Ballenden of the Mott, under the pane of tua thousand pundis." They find that he ought to be answerable for the exhibition of his said sister when called upon to do so, under the said penalty; and also decern him to pay to his Majesty a fine of £1000 for the awaytaking of the said Hew Weir of Clowburne, and to be detained in prison till he make payment of the same.[1]

Fol. 3, b.

Edinburgh, 22nd February 1614. Francis Wilkieson fined for assault on Gilbert Murray, messenger.

Complaint by Gilbert Murray, messenger, burgess of Lawder, and Johnne Murray, his son, as follows:—On 11th February instant, Frances Wilkiesoun, commissary clerk of Lawder, Alexander Wilkiesoun, town clerk of the said burgh, and James Wilkiesoun, their brother, armed with "swordis, quhingeris, poill axes, secretis plaitslevis, plait-bonnettis, and utheris wapponis invasive" went by night to pursuer's house in the burgh, where he and his son were for the time, and com-

[1] *Ante*, p. 209.

mitted a murderous assault upon them. They, moreover, renewed the attack the same day about 8 o'clock in the evening at the market cross of Lawder, and felled the said Gilbert with a pole axe.—The said Johnne Murray appearing for himself and his said father, and the defenders being also present, and pursuer passing from the charge against the said Alexander but producing witnesses against the others, the Lords find the charge proven against the said Francis, and order him to pay a fine of 50 merks to the Crown and 100 merks to the pursuers, and to remain in the Tolbooth till he pay these sums. They assoilzie the said James Wilkiesoun. Fines, 1614–1631.

Edinburgh, 24th February 4161.

Kirkcaldy burgesses fined for over-pricing English beer.

This day appeared Johnne Cosine, David Balfour, Andro Maistertoun, Williame Coilyear, and Thomas Cary, burgesses of Kirkcaldie, to the charge of having sold English beer dearer than £6 the bun. They admitted the contravention of the acts and proclamations anent the salè of English beer, and were fined each 20 merks. Fol. 4, a.

Remission of the fine of 10,000 merks imposed upon Gordon of Lochinvar as cautioner for the non-return of William Douglas from his banishment.

Petition by Sir Robert Gordoun of Lochinvar, knight, as follows (see p. 211):—Decreet was pronounced by the Lords against him as cautioner for Williame Dowglas, sometime of Lyncluden, in the sum of 10,000 merks, on account of the said William's return within the realm against the tenour of the band given by petitioner. "It pleasit the Kingis Majestie by his letter under his hand, in consideratioun of some services done be him to his Majestie quhilkis ar notour to his Majesteis selff, to remitt and discharge him of the foirsaid sowme" and to order the Lords "to gif unto him ane frie exoneratioun and discharge." Petitioner, therefore, craves the exoneration.—The Lords, having seen the King's letter, grant the petition.—"Followis his Majesteis missive for the exoneratioun abonewrittin: Whereas, Williame Dowglas, sometyme of Lincluden, being by oure lawis convictit of divers crymes of thift, Sir Robert Gordoun of Lochinvar become bund in the sowme of ten thousand merkis that the said William sould depart out of our dominionis and not returne without oure speciall licence obtenit for that effect, and althogh the said William returnit without oure licence, quhairby the said Sir Robert incurrit the penaltie of the said sowme, yitt, in respect of the said Sir Robert his serviceis done to us and of his losis sustenit thairin, we ar pleasit to remit unto him all the foirsaid sowme and quhatsoevir uther pennaltie he micht haif incurrit for the caus foirsaid; willing and commanding that this our dischairge salbe als effectuall unto him as yf the said William nevir had returned, and also that the Commissionaris of oure Rentis gif unto the said Sir Robert a frie exoneratioun of the penaltie afoirsaid in most ample forme quhen he sall require the same. For doing quhairof these presentis salbe unto thame and every one of thame a sufficient warrand. Gevin under our hand, at Newmarket the ." Fol. 4, b. Fol. 5, a.

Edinburgh, 7th July 1614.

Complaint by the King's Advocate, as follows:—At a convention of the

Fines, 1614–1631.

justices of peace of the sheriffdom of Aberdyne held on 13th November last, Alexander Bannerman of Elsick became cautioner for Walter Banerman, brother german of George Bannerman of Asled, in the sum of 500 merks, that the said Walter should not wear hacquebuts and pistollets. Despite this act, the said Walter has often worn the forbidden weapons. On last he went to the town of Eline with a pair of pistollets in his belt, wore them when in the town, and was seen with them in the house of James Annand in Ellem. In December, January, February, March, and April last, and May instant, he has contravened the said act.—Pursuer appearing personally, and the said Alexander Bannerman of Elsick being also present, but the said Walter not answering the summons to appear, the Lords find the charges proven and declare that the said Alexander has incurred the liability of his said caution. They order payment accordingly.

Alexander Bannerman of Elsick found liable to penalty as cautioner for his kinsman Walter Bannerman, who has illegally carried fire-arms.

Fol. 5, b.

Fol. 6, a.

Complaint by Johnne Galt in Kirkstyle of Dreghorne, as follows:— "Upoun the day of Junij last, umquhile Jonet Barclay, spous to the said compliner for the tyme, haveing cruellie murdreist and slayne hir selff with hir awne hand, the said compliner causit bury hir corps, with advise of the baillie deput of Cunninghame, outwith the kirkyaird dyk on the north syd thairof, upon the head of his awne maling, quhilk he hes in tak of the hous of Eglintoun, as the most convenient place of buryall for one who had so unnaturallie oversene hir selff; quhairintill the corps lay buryed the haill space of tuenty dayis thairefter." On July instant, Johnne Fairlie in Langlandis, accompanied by Hew Fairlie, his brother, Johnne Armour in Whyterig, Johnne Armour, his son, Robert Armour in Titwod, Edward Armour there, Alexander Armour in Tounhead, Thomas Stewart in Dykhead, Robert Stewart there, Cuthbert Armour in Langbrochtoun, Johnne Armour, his son, there, and Johnne Armour there, Adame Smyth in Titwod, Robert Armour, younger, in Thridpairt, Alexander Langmure in Tounhead, Johnne Mure in Whyterig, Robert Armour, son of Johnne Armour, in Lambrochtoun, Robert Broun in Auldtoun, with others, to the number of forty persons, all tenants and servants of James, Earl of Glencarne, came under arms at dead of night to pursuer's house at the Kirkstyle of Dreghorne, and in an insolent manner urged him to go with them "to the raising of the corps of the said umquhile Jonet." On receiving his refusal, they went directly to the place where the body lay, "and thair most unhumanlie, and efter a verie insolent and tumultous manner, thay violentlie brack up the grave and buryall place foirsaid, raisit the corps of the said umquhile Jonat furth of the same, quhilk had xx dayis of befoir lyine buryed thairintill, knett ane teddir to hir feitt, and unhonnestlie harlit hir bakward be the heillis from the grave to the said complineris awne dure, sett hir up at the dure, and with mony horrible aith avowit and said that, yf the corps wer buryed agane in the said grave or ony uther pairt within that parrochine, that then thay sould do the compliner a

Edinburgh, 21st July 1614. A number of persons fined or otherwise punished for riotously disinterring the corpse of Janet Barclay, suicide, from the grave in which it had been buried by her husband.

Fol. 6, b.

worse turne, and sould als oft raise the said corps as he salhappin to bury the same in the saidis boundis."—Pursuer appearing personally, and the said Hew Fairlie in Langlandis, Johnne Mure in Quhiterig, Johnne Armour there, Johnne Armour, his son, Edward Armour in Titwod, Adame Smyth there, Robert Armour there, Cuthbert Armour in Lambrochtoun, Robert Armour there, Alexander Armour in Thridpairt, and Alexander Langmure in Tounhead, being present, but the said Johnne Fairlie and Robert Broun not appearing, the Lords order the defenders who have appeared to be detained in the Tolbooth of Edinburgh at their Lordships' pleasure, and further order them to pay a fine of £40 to the Crown, and a fine of £40 to the pursuer. They also give order that Johnne Fairlie and Robert Broun be denounced rebels. Fines, 1614–1631.

Edinburgh, 28th July 1614. Douglases of Drumlanrig.

Fine of 3000 merks imposed on the Douglases of Drumlangrig. (See p. 258, *et ante*.) Fol. 7, a.

Edinburgh, 3rd August 1614. David Gray, younger, fined for assault on Robert Blaikie.

Complaint by Robert Blakie in Trabroun, as follows:—David Gray of Mekle Catpare and David Gray, his eldest son, have conceived an unjust hatred against pursuer. On 20th July last, they went to the commonty of Trabroun, and, finding pursuer alone and unarmed, "he being leading his maisteris turffis," fiercely assaulted him with squared battons, and also hurt and "bloodit" his horse. "And, intending to haif done wors to George Murray in Trabroun, maister to the said compliner, and suspecting that the said George wald come to the ground to find fault with thame for the injurie and oppressioun foirsaid done to him in wounding his servand and barbarous stryking and hurting of his hors, thay dernit thame selffis neir unto the said commontie of Trabroun of sett purpois to haif murdeist and slayne the said George Murray; quhilk thay haid not failit to haif done yf some nichtbouris, knawing thair wicked purpois, haid not come to the ground and perswadit thame to desist."—Pursuer and defenders appearing personally, the Lords find the charge touching the wounding of pursuer clearly proven against David Gray, younger, and order him to pay £20 to the Crown, and £20 to the pursuer, and to remain in the Tolbooth of Edinburgh till he pay the same. The Lords assoilzie David Gray, elder, from the charges. Fol. 7, b. Fol. 8, a.

Edinburgh, 24th August 1614. DavidKinloch, burgess of Edinburgh, fined for assault on his fellow-burgess Robert Maxwell on shipboard on their way to Norway, and cruel ejection of him from the ship, to be left on a rock for the chances of his life.

Complaint by Robert Maxwell, merchant burgess of Edinburgh, as follows:—In March last he agreed with William Blak, skipper of the ship of Anstruther called "The Grace of God," bound for Danskene, for the transport of his person and some of his wares to Elsinure. "According to the conditioun past betuix thame, the said compliner haveing schippit his goodis and gone aboard him selff with the rest of the marchantis of the schip, and whenas thay wer upon thair dew cours foirnent Norroway at that pairt thairof callit Ekyvow upon the fyift of Aprile last, and he lookeing for no thing les then ony violence or inhumanitie to haif bene offerrit unto him, bot to haif accompleischit his

Fines, 1614–1631.

voyage in peace and quyetnes, notwithstanding it is of treuth that David Kynloch, burges of the burgh of Edinburgh, and one of the marchantis of the said schip, upon some discontentit and distemperat humour, being assistit with the marineris of the said schip, first sett upon the said compliner, and schamfullie and unhonnestlie invadit and persewit him of his lyff, and gaf him many straikis upon divers pairtis of his body, the said compliner being single and allane without armour, and he haveing the assistance of the haill equippage of the said schip; and then he kast overboard in the sea ane grite ball of Englishe claith pertineing to the said compliner worth thrie thousand merkis, and his cave quhairin thair wer thrie or four hundreth Hungaris ducattis, sua that his claith wes spoylled with the sea watter and his cave lost. And, not content heirwith, bot resolveing by a most detestable and cruell manner indirectlie to haif the complinaris lyff, seing he feared directlie to be personall executour of his barbarous and inhumane interpryse with his awne hand, he causit schote the said compliner out of the schip in the schip boit, gaf directioun to cary the said compliner to a craig in the sea neirby and
Fol. 8, b.
thair to leave him, quhair he thoght the said complinar sould auther haif miserablie pereishit through famyne or then sould haif bene caryed away be the sea. And, yf by the providence of God ane Dutche schip had not then instantlie come by thame, and that the maister thairof, persaving the barbarous crueltie and unchristeane inhumanitie intendit aganis him be his awne nichtbouris and countrie people, and being movit with pitie and commiseratioun of the said complinaris distresse, had not relevit him and tane him in his schip, the compliner had then in miserie endit his lyff."—Pursuer and defender appearing personally, the Lords find the charge proven, and order the defender to pay a fine of 40 merks
Fol. 9, a.
to the Crown, and a fine of £40 to the pursuer. Defender is to be detained in the Tolbooth of Edinburgh at his own expense till he pay the same.

Edinburgh, 14th September 1614. Richard Imrie and others fined for assault on Andrew Dowie and his wife.

Complaint by Andro Dowy at the Crooke of Dovan, and Marjorie Rodgie, his spouse, tenant of Mr. Johnne Haliday, advocate, as follows:— Richard Imrie in Fildie, having conceived a deadly hatred against the said Andro, and knowing that he was to repair to the fair of Clakmannan on 24th August last, directed two spies to watch at pursuer's door, and to give notice of his setting out for the fair. They, "falslie pretending that thay wer travelling men, come to the said Androis hous airlie in the moirning afoir the son rysing, and desyrit some drink, and, understanding be informatioun of some people of the said Androis house that he wes not to repair to the said fair the said day," sent word to that effect to the said Richard, and advised him to come direct to the house, where he would find the said Andro in bed. Whereupon the said Richard set out, accompanied by David Moir in Kirkdron, Johnne Cuik there, Andro Moir in Dunbarnie, Walter Neving in Fordell, Johnne Johnnstoun, servitor to the said Richard Imrie, Allane *alias*

Laird Allane, all in arms. "And, as thay approcheit neir his hous, his wyff being upon the feildis about the duris, [and] persaveing thame come in a rage and furie, and feiring that thay haid some detestable purpois in thair hart aganis the said Andro, hir husband, scho raisit the schoute, and by that meane gaf adverteisment to the said Andro, who wes lyand in his bed, that some evill wes intendit aganis him. Quhairupon the said Andro rais out of his bed, and closit his hall dure, thinking be this meanis to haif preservit him selff; bot, thay haveing violentlie and perforce dung up his hall dure, he wes constraint to reteir him selff to his chalmer; and, haveing closit the dure thairof and making some uther defence by setting of kistis to the dure, one of the saidis personis dang up the chalmer windo and with a halbert strack in at the said Andro and woundit him deadlie in the bak, sua that he wes maid unable to mak ony moir defence. Quhairupon the saidis personis brack up the said chalmer dure, and, entering thairintill, gaif the said Andro mony deadlie woundis in the head, armes, and utheris pairtis of his body, and left him lyand for dead. And at thair awaypassing thay verie inhumanelie and barbarouslie pat hand in his wyff, threw hir to the eard, tred upon hir bellie, harlit hir through gutteris, and left hir lyand for dead."—Pursuers appearing personally, and the said Richard Imrie, Allane *alias* Laird Allane, David Moir, Andro Moir, and Waltir Neving being also present, and admitting the charge, but the said John Cuik and Johnnstoun not appearing, the Lords order the defenders who appear to pay a fine of 100 merks, and to be detained in the Tolbooth till order be taken for the satisfaction of the pursuers. They further order the absentee defenders to be put to the horn.

Fines, 1614-1631.

Fol. 9, b.

Patrick Carkettle fined, and other persons punished, for assault on Anthony Crichton, messenger, and others, in the exercise of their legal office.

Complaint by the King's Advocate and the Treasurer Depute for their interest, and George Abirnathie, advocate, Antone Creichtoun, messenger, Johnne Dun in Edinburgh, and Johne Stratoun, son of Symon Stratoun in Nather Libertoun, as follows:—The said Anthone Creichtoun, messenger, was employed by the said Lord Treasurer and George Abirnathie to execute a poinding against William Moggat in Foulfuird for the sum of 500 merks. On 26th July last he went to the lands of Foulfurd and apprehended seven oxen, two kye, a black mare, and a brewing cauldron, and, having "apprysit" them, proceeded with them to the market cross of Edinburgh. While entering at the West Port of Edinburgh, pursuer and his witnesses were met by Patrik Carketle of Over Libbertoun, accompanied by Mr Robert Broun, son of the late Harie Broun in Keyth, Thomas Fairlie, sometime younger of Colmestoun, Andro Conquergood in Over Libbertoun, Johnne Broun, son of the late Fair Johnne Broun, James and Patrik Meggett, sons of Alexander Meggett in Corhous, Archibald Craig, younger, in Foulfurd, William Mow there, George Broun there, Archibald Wilsoun, tailor in Edinburgh, Charles Coishlie, poultryman, David Marche, maltman, James Bischop, maltman, David Bischop, skinner, Johnne and Nicoll Boig, sons of Robert Boig sometime of Lochend, Patrik Rae "outwith the West Port," Alexander Conquer-

Fol. 10, a.

Fol. 10, b.

Fines, 1614–1631.

good in Over Libbertoun, and others to the number of thirty persons, "armed with swordis, langstaffis, quhingeris, dageris, gantelattis," &c. They were cruelly assaulted by them, Johnne Dun and Johnne Stratoun being most severely maltreated. Pursuers would have been slain had they not suffered their opponents to take away the poind.—Pursuers appearing personally, and the said Patrik Carkettle, Johne Boig, and James and Patrik Meggatt being also present, the Lords find the charges of having invaded the said messenger and of having wounded Johnne Dun and Johnne Stratoun proven, and order the said defenders to be detained in the Tolbooth of Edinburgh during their Lordships' pleasure. They also order the said Patrik Carkettle to pay to the Crown the sum of £100. He is to be detained with the others in the Tolbooth till he make payment, and till he and they find caution, Carkettle in the sum of £1000 and each of the others in 500 merks, for the indemnity of the said George Abirnathie.

The Magistrates of Pittenweem, with a number of other persons, fined or otherwise punished for violent obstruction to the execution of a decreet obtained by Sir Thomas Dishington for the removal of Lady Pitfirran from the manor-place of Pittenweem.

Fol. 11, a.

Complaint by Sir Thomas Dischingtoun, knight, and Alexander Jamesoun, sheriff-depute of Fyiff, as follows:—Pursuer had obtained a decreet of Council ordering Dame Elizabeth Hepburne, Lady Pitfirrane, to remove herself and household from the manor place of Pittinweyme. She refused to obey the letters purchased by right of that decreet, and was accordingly, on 17th August last, put to the horn. Pursuer thereafter obtained letters from the Council ordering the sheriff of Fyiff

Fol. 11, b.

and his deputes to eject her. These letters were executed against the said sheriff-depute on 25th August last by Alexander Johnnstoun, messenger. On 26th August the said sheriff-depute went, with four of his officers and a number of gentlemen, to the burgh of Pittinweme expecting no impediment. Nevertheless, Williame Stewinsone, Thomas Richardsone, Nicolas Strang, and James Schesope, bailies of Pittinweme, Thomas Hendersone there, George Smyth there, Andro Mathiesoun there, William Smart there, Johnne Cars there, James Adiesoun there, William Thomsone there, Johnne Richholme there, William Richolme there, Thomas Benistoun there, William Ramsay there, Alexander Rynd there, Johnne Broun there, Thomas and Archibald Wanderson there, Robert Quhyte there, Walter Furd there, Robert and Johne Strang there, Walter Furd there, Johnne Callender there, Thomas Dundas, Walter Strangergill, William Watsoun, Thomas Maesoun, William Cowie, George Fairnie, William Sutherland, and others, to the number of four score, all armed, and assembled together by the said bailies, went to the said sheriff-depute, "when he wes reddie to haif enterit at the north syd of the grite hous of the said monasterie, and not onlie held a nomber of halbertis, pickis, and lanceis to his breist and womb, avowing and threatning with mony injurious and minassing speicheis to ryn him throw thairwith, and to haif his lyff and the lyveis of the gentilmen and mairis of the said schireffdome who accompanit him in that erand, bot with that thay by plane force and violence stoppit and debarrit the said schireff depute fra executioun of his office."—Pursuers and defenders

appearing personally, the Lords find the charge proven and order the defenders to pay a fine of 500 merks to the Crown, and command the said bailies to enter the said Sir Thomas, and his servant in his name, in the said manor place of Pittinweme. They further order the said Nicolas Strang, Thomas Benistoun, William Ramsay, and Alexander Rynd, "who kythit thame selffis most tumultuously and insolentlie aganis the said schiref-depute," to be committed to ward within the Tolbooth of Edinburgh. The other defenders are to keep ward within the burgh and not to remove themselves without permission. Fines, 1614–1631. Fol. 12, a. Fol. 12, b.

Edinburgh, 5th October 1614.

Thomas Fawlsdale, provost of Dumbarton, and John Fawlsdale, bailie of the burgh, fined for illegal arrest of Patrick Macaulay, messenger, and John Duncan; and others punished for their concern in the same matter.

Complaint by Patrik M^cAwlay, messenger, Johnne Duncane, tenant and servitor to William Cunninghame, writer in Edinburgh, and Richard Mosman, writer in Edinburgh, donator to the escheats and liferents of Marioun Lyoun, relict of Donald Cuninghame of Aikinbar, and Archibald and William Cunninghame, her sons, for their interest, as follows:—The said Richard Mosman, donator aforesaid to the escheat and liferent of Marioun Lyoun and Archibald Cunninghame, "takismen of the teindschavis of the half kirk of Dunbartane, haveing now, be virtew of the said gift, the undoutit richt to the teindschavis of the said half kirk, especialie to that pairt of the teindis of the same growand upoun the burrow landis callit the Nathir Boig, possest be Thomas Fallisdaill, provest of the said burgh," obtained from the Council letters of intromission with the said rebels' escheatable goods, &c. On 20th December, the said messenger went to the lands of Nather Boig to get the teinds. When there he was met by the said provost, Johnne Fallisdaill, bailie of the said burgh, Walter Buchannane, cooper, indweller there, and others, to the number of twenty persons, all armed, and was most insolently and cruelly deforced. The said provost, to colour his violent and unlawful proceedings, thereupon alleged that he was charged by letters of caption raised at the instance of the late Andro M^cKay (who had died five years before) against the messenger, and ordered him to be taken to the tolbooth. The messenger then showed to the said provost and bailie, and to David Watsoun, town clerk of Dunbartane, letters of relaxation from the said process; nevertheless, the said defenders carried the messenger and Johnne Duncane to the said tolbooth —"the said Johnne Duncane being servitour to the said William Cunninghame, who, with his men, tennentis and servandis, ar specialie exemit fra the jurisdictioun of the said burgh." The messenger was detained till 4 o'clock in the afternoon and the said Johnne all that day. "And the said Johnne Fallisdaill, injoning to the said messinger to find cautioun for the said provest his indempnitie, thairwith oppinlie commandit and inhibite the haill nichtbouris of the said burgh that nane of thame sould be cautioun for him under the pane of incurring the said baillie [his] heich haitrent, evill will, and displeasour."—Pursuers appearing, and Thomas and Johnne Fallisdaill being also present, but Walter Buchannane, party, and Johnne Auchinros, bailie of Dunbartane, Fol. 13, a. Fol. 13, b. Fol. 14, a.

Fines, 1614–1631.

Robert Glen, officer of Dunbartane, Archibald Harbartsoun, burgess of Glasgow, Umphra Denny in Dunbartane, Robert Tarbert, officer of Dunbartane, and Johne Marchant, servitor to the said Thomas Fallisdaill, witnesses, not appearing, the Lords find the charge of taking the pursuers proven, and order Thomas and Johnne Fallisdaill to pay a fine of £10 each to the Crown, £10 to the said Patrik M^{c}Caulay, and other £10 to the said Johnne Duncane. Defenders are to remain in the Tolbooth of Edinburgh till they pay these sums. The Lords, moreover, order Walter Buchannan and the witnesses who did not obey the summons to appear to be denounced rebels.

Fol. 14, b.

Edinburgh, 3rd November 1614.

The fine on the town of Pittinweem modified to 300 merks.

Petition by the magistrates of Pittinweyme, that on account of the poverty of the burgh the fine of 500 merks incurred by their conduct towards Sir Thomas Dischingtoun and the sheriff depute of Fyiff (*ante* p. 791) should be modified. The Lords, understanding that the burgh has given contentment to the said Sir Thomas, modify the fine to 300 merks.

Edinburgh, 22nd November 1614.

The magistrates of Selkirk fined for illegally putting two prisoners to the torture to make them confess to certain thefts.

Complaint by Elspatt Home, relict of Alexander Ramsay in Leyth, and Johnne Ramsay, their son, as follows:—On August last, an ordinary market day at Selkirk, pursuers, having gone to the open market to sell some wool, were arrested by Robert Scott of Hayning, provost, and James Kene and James Wauche, bailies, of the said burgh, who were accompanied by Malcolme Turnbull, burgess thereof, Robert Tait in Haltreve, Dalgleishe of Dewchar, George Wod, town clerk of Selkrig, Robert Scot, messenger there, and others, all in arms. They were carried by them to the tolbooth, were cast into the thevis hoill or pit, and were put to torture by defenders by "binding fast thrie cordis about every ane of ather thair craigis, handis, and shouldaris, so fast drawing thair bodyis togidder as the saidis cordis brack, and, efter brecking thairof, of new agane with bow stringis pat thame to the lyk tortour, and keepit and detenit thame in the said thevis hoill without meate or drink the space of fourtie aucht houris."—The said Elspett appearing for herself and her son, and the said provost, and James Kene,

Fol. 15, a.

bailie, appearing in name of the defenders,—who stated that, the pursuers having been arrested with some stolen cheese, and later on the same day having been challenged by a neighbour of the town for stealing his purse, and having met his constant avowal by as persistent denial, they had "causit bind ane cord or string about thair handis and armes for moving of thame to confesse the treuth",—the Lords find that the defenders have done wrong in putting the pursuers to torture on suspicion of theft and without commission to that effect, and order them to pay a fine of 50 merks to the Crown and 100 merks to the pursuers. They order the provost to be detained in the Tolbooth of Edinburgh till these sums be paid.

Edinburgh, 29th November 1614.

Mr John Mackenzie, Archdeacon of Ross, fined for molestation of Dunbar of Avach in the possession of his lands.

Fines, 1614–1631. Fol. 15, b.

Complaint by George Dunbar of Avach, and Robert Dunbar, his tutor, as follows:—The said George holds heritably all and whole the lands of Avach. Of late Mr. Johnne M^cKenzie, Archdeacon of Ros and minister of Killernan, "being foirgetfull of that modest behaviour quhilk beseameth one of his place and calling," has begun to trouble pursuer. On 18th August last, the said Mr. Johnne, accompanied by Donald Hossok in Casiltoun, Alexander Moir there, Finla Thomebegsoun there, Donald Gray there, William Andersone there, Johnne Davidsone in Mekle Suddy, Johne Moir there, Andro Moir, smith there, James Glaschee there, David Cordiner there, Donald M^cGillespick there, Angus M^cComeleis there, Donald Henry there, David Thombegsone there, Donald Baxter there, Johnne Reid in Castletoun, Thomas Scherar there, Fol. 16, a. Johnne Thesaurer there, Johnne Moir there, Alexander Moir there, David Leitche in Balmadinthy, Andro Thombegsoun there, Donald and Patrik Thresoner there, David Moir there, Finla and Thomas Robson there, Mr. Murdo M^cGillichrist there, Alexander M^cRichie there, Johne Masoun there, Alexander M^cComeis there, Alexander Thresoner in Ardinch (?), James Davidsoun there, Johne Hessow there, Johne Broyk there, George Davidsone there, James Davidsone there, Alexander Davidsone there, William Moir in Suddy, David Clerk there, Donald Buy there, Johnne Moir there, Johne Dow in Avach, and Johne M^cIlroy, with others to the number of fifty persons, armed with "swordis, gantelettis, plaitslevis, bowis, dorlochis, durkis, targeis," &c. went before break of day to that part of the lands of Avach which marches with the lands of Arkinduich, and on which there was a quantity of unripe bere and oats, cut down some of the same, and carried it away. They remained on the ground for three hours, till 10 o'clock in the morning.—The said Robert Dunbar appearing for pursuers, and the said Mr. Johnne M^cKenzie appearing for the remaining defenders, the Lords find the charge proven, and order the said defender to pay a fine of £100 to the Crown, and to remain in the Tolbooth till he pay the same. The Lords remit the other points at issue to the proper court.

Edinburgh, 8th December 1614.

Decisions of the Council on the several matters of complaint by the Gordons of Mylnetoun of Kellie against the Keiths, Bannermans, &c., of the same neighbourhood

Fol. 16, b

Complaint by James Gordoun of Mylnetoun of Kellie, Johne Gordoun, his brother, and David Vaus, servitor to the said James, as follows:—On 24th August last, while the said brothers were repairing from Bartill Fair homewards to the Mylnetoun of Kellie, Johnne Bannerman of Balnagavis and John Dwn in Chappill of Andat followed them from the chappill of Andett, "and, haveing overtane thame, the said Johnne Dwn, with a grite trie, gaif the said Johnne Gordoun a grite strack upoun the head and fellit him to the ground, and, the said Johnne Banerman persaving him fall from his hors, he lichtit, and with a drawin sword schamfullie, cruellie, and unmercifullie invadit and persewit him and his said bruther of thair lyveis." On 25th August, Sir William Keyth of Balmure, accompanied by Nathaniell Keyth of Litle Cockla, Robert and William Keyth, sons of George Keyth of Kindroch, George

Fines, 1614–1631. Fol. 17, a.

Gordoun, servitor to the said Sir William, George Bannerman of Aslend, Walter Bannerman, his brother, George Gordoun, his servant, and others, all armed, went about midnight to the house of the said David Vaus at the mylne of Kellie, entered violently, "and with drawn swordis in thair handis stogged the haill bedis of the said hous, and searcht and soght the said James and Johnne Gordoun in all pairtis of the said David Vaus his hous, and avowit with mony horrible aith to slay the said David Vaus, his wyff, bairnis, and servandis, who wer in thair naked bedis." Thereafter they went to James Gordoun's house in the Mylnetoun, broke up the gates, "treasounablie cryit for fyre to haf brynt the said hous," entered violently, and apprehended the said James. They carried him furth of his house, held drawn swords and quhingers to his breast, and "compellit him to sitt down upoun his kneis, and deiplie to sweir that he sould nevir assist his said bruther directlie nor indirectlie, bot that he sould mensweare him in all tyme comeing." The said Johnne Gordoun having gone to the burgh of Aberdene, "for cureing of his woundis," it is a fact that, on September, when he was walking on the calsay of the burgh alone, "not being able to cary a sword or ony uther wappone," he was brutally assaulted by Alexander Bannerman of Watertoun, Alexander Thayne, his servitor, George Bannerman of Asleid, Walter Bannerman, his brother, Mr William Ogstoun, son-in-law of William Reid, sheriff-depute of Kincardin, Patrik Dalgarno, brother of Dalgarno of Garnestoun, and others, all in arms, and was chased into the house of Johne Gray, master of the Ketchepoole in Aberdene. The said Johnne stayed there the whole day, and in the evening set out for the house of Alexander Rob, surgeon. His opponents, having been informed of his movements by the aid of a spy, attacked him as he was entering the

Fol. 17, b.

surgeon's house, and wounded him severely with drawn swords.—Pursuers appearing personally, and the said Sir Williame Keyth of Balmure, Alexander Banerman of Elsick, Alexander Thayne, Johne Bannerman of Balnaguvis, Patrik Dalgarno, George Gordoun, Robert and William Keyth, Nathaniell Keyth, and John Dun being also present, and the said George and Walter Banerman not appearing, the Lords (1) find that the assault on the said James and Johne Gordoun by the said Johne Banerman and Johne Dun "proceidit upon thair awne default and occasioun, insofer as, thay being upoun horsbak and the saidis Johne Banerman and Johnne Dun being upon foote, thay lichtit from thair horsis, and the said Johne Gordoun invadit and persewit the said Johne Bannerman of his lyff," and therefore they assoilzie defenders;

Fol. 18, a.

(2) find that in the matter of the capture of James Gordoun and the enforced oath against his brother Sir William Keyth, Nathaniell Keyth, William and Robert Keyth, George and George Gordon have acted illegally, and order the said Sir William to be detained in the Tolbooth of Edinburgh during their pleasure, to pay a fine of £40 to the Crown, and to find caution in 3000 merks for the indemnity of pursuers in

time coming. The Lords (3) assoilzie the said defenders from the charge of entering the house of David Vaus; (4) find the first assault on John Gordoun in Aberdene proved against the said Alexander Bannerman of Elsick and Alexander Thayne, his servant, and order the said Laird to be detained in the Tolbooth of Edinburgh during their pleasure, to pay a fine of 100 merks to the Crown, and to find caution in 3000 merks for the indemnity of pursuer, for keeping the peace, and for appearance before the Council whenever he shall be summoned; and (5) they assoilzie the said Alexander and his servant from the charge of the second assault in the burgh. The Lords order the said George and Walter Bannerman to be denounced rebels. Fines, 1614–1631. Fol. 18, b.

Decision in a counter complaint in the same feud.

Complaint by Johnne Bannerman, brother of Alexander Bannerman of Elsick, John Dun, and Robert Craig, tenants and servants of Sir William Keyth of Balmure, and the said Sir William for his interest, that they were assaulted on August last by Johnne and James Gordoun, sons of Johnne Gordoun of Tullielt (*see the first charge in preceding entry*). The Lords find against the said Johnne Gordoun, and order him to pay a fine of £20 to the Crown and to be detained in the Tolbooth of Edinburgh till he pay the same. The Lords assoilzie the said James Gordoun, but order him and his brother to find caution in the sum of £1000 each for keeping of the peace. Fol. 19, a.

Edinburgh, 15th December 1614.

Lauchlan Grant of Wester Elchies fined as principal in an assault in 1606 on Augustine Baxter and his wife and family, in revenge for their prosecution of a dependent of his for theft of a cow.

Complaint by Augustine Baxter in Blakhall, as follows:—On 15th July 1598, Lauchlane Grant of Wester Elcheis and James Moir M°Gillivred there, accompanied by Johnne M°Michaell in Thomedew, and others, all in arms, went to the lands of Blakhall and carried away a cow worth 40 merks. On 9th August 1606, James Moir M°Gillivreid, tenant and servant of the said Lauchlane, accompanied by David Ros, "sister sone and houshaldman for the tyme to the said Lauchlane," and the said Johnne M°Michell, with other armed accomplices, went about midnight to pursuer's house, entered violently, "first took the said Augustine and Cristine M°Robert, his spous, with thair sevin bairnis, out of thair naked bedis, tirred the sarkis af thame, and, naked as thay wer, then band thame hand and foote, hurt the said Augustine in divers pairtis of his body to the effusioun of his blood in grite quantitie, and with ane hukked arrow strak Catherine Baxter in the womb and thairwith pullit out hir haill intraillis (quhairof sho immediatly partit this lyff), brack the bak of Jonat Baxter, ane uther of the sevin bairnis (quhairof scho also within tua monethis thairefter depairtit this lyff), and thairwithall kaist the said Augustine, with his wyff and thair sevin bairnis, bund as thay wer hand and foote, in ane mekle girnell, quhairin thay remanit all that nicht in grite distresse." Defenders carried away with them 24 oxen and kye worth £20 the piece overhead, and 7 horses worth £30 the piece overhead, together with the whole "insicht" of his house worth £1000.—Pursuer and defenders appearing personally, the said Lauchlane confessed that "in the monethe of July 1598 thair wes ane kow Fol. 19. b. Fol. 20, a.

Fines, 1614–1631.

stowin fra the said Augustine and broght to ane barne of his quhair he had some measonis workeand, and the kow, being thair slayne, wes immediatlie challangeit and deprehendit be the said Lauchlane; quhairupoun he causit diligent inquirie be maid by whome the thift wes committit. And, haveing discoverit the theif, he causit apprehend him and delyver him to the ordinar judge of the countrie, by whose sentence he wes drownit for that same thift. And the said Lauchlane dēnyit the haill remanent pointis." The said Augustine affirmed that the insolence in August 1606 was done by Lauchlane's servants at his command, "in revenge of the drowning of his man who had stowin the said Augustine his said kow." Both parties having

Fol. 20, b.

declared their willingness to stand by the deliverance of the Lords, the Council find, "by probable and cleir circumstanceis," that the insolence in August 1606 was done by Lauchlane's servants in revenge for the drowning of the thief, "howsoevir he pretendeth him selff to be innocent thairof," and order him to pay 200 merks to pursuer in full satisfaction for all wrongs, and also a fine of 100 merks to the Crown. Defender is also to find caution in 500 merks for the indemnity of pursuer and his family in time coming, and is to remain in Edinburgh till he pay these sums.

Fol. 21. a.

Fraser, Edinburgh, 28th December 1614. Fraser of Muckals fined for assault on Bannerman of Elsick.

Complaint by the King's Advocate, as follows:— apparent of Muckallis, having conceived a hatred against Alexander Bannerman of Elsick "for suche ane fecles and unworthie caus as hes not bene hard of in ony countrie subject to law and justice,—to wit, becaus the said Alexander simplie and ignorantlie took the place befoir him at the ingoing of a dure,"—and having been informed that pursuer was to proceed from the burgh of Aberdyne to Elsick on 26th November last, lay in wait for him at the Brig of Die with a number of his friends and servants, all armed with hacquebuts and pistollets. They sprang out on pursuer and his company before they were aware, and committed a fierce assault upon them. John Bannerman, brother of the said Alexander,

Fol. 21, b.

was shot through the arm.—Pursuer and defender appearing, and the latter having denied the wearing of hacquebuts and pistollets in his person or company, but admitted that, having met the defender unexpectedly at the Brig of Die, and having a just cause of quarrel, he had "invadit and persewit him for his hurt and skaith," the Lords order defender to pay a fine of £40 to the Crown, and to remain in Edinburgh till he pay the same.

Edinburgh, 19th January 1615. Sir Henry Wood of Bonytoun fined for illegal carrying of hagbuts and pistols.

Complaint by the King's Advocate, and Franceis Ogilbie of Newgrange, brother of James, Lord Ogilbie of Airlie, as informer, as follows:—Sir Harie

Fol. 22, a.

Wod of Bonytoun, knight, has on sundry occasions contravened the acts against the wearing of hacquebuts and pistollets: namely, on days in September, October, November, and December last.—Pursuers and defender appearing personally, and the latter having admitted that "upoun occasioun of the trouble quhilk happnit and followit betuix him and the said Franceis Ogilbie he hes at som tymes borne and worne hacquebutis and

pistolettis for his awne defence and saiftie allannerlie," the Lords fine defender in the sum of £100, and order him to find caution in the sum of 1000 merks not to wear the forbidden weapons in future. Fines, 1614-1631.

Edinburgh, 14th February 1615.
William Mure, flesher in Glasgow, fined for illegal export of tallow.

Complaint by the King's Advocate that William Mure, flesher in Glasgow, has for some years past, especially in 1613 and 1614, exported tallow, "alsweill the talloun of goodis slayne be him selff as suche uther talloun as he could haif in the West Countrie for money." He has thereby contravened the Acts of Parliament, and "hes procurit suche a dearth and scharstie of talloun in the West Countrie as his Majesteis good subjectis can not be servit bot at heich and extraordinar pryceis."—Pursuer and defender appearing personally, and the latter having admitted that he, and his son by his direction, had exported tallow, the Lords order him, for himself and his said son, to pay a fine of £80, and to remain in the burgh till he pay the same. Fol. 22, b. Fol. 23, a.

Edinburgh, 14th March 1615.
Decision in the feud between the Tullochs of Tannacheis and Urquhart of Burrisyards.

Although "the variance and contraversie standing betuix Thomas Tulloch, appeirand of Tannacheis, Robert Tulloch, his bruther, William Hay of Winderlaw, and James Cuming in Flooris, on the ane pairt, and Thomas Urquhart of Burrisyairdis, on the uther pairt, for the persute and invasioun of the said Thomas for his bodelie harme and slaughter within the burgh of Forres," be now removed, and "a harty freindschip knitt up betuix the saidis partyis," yet the Lords, because the complaint was proven against the foresaid persons, decern them to pay a fine of £20 to the Crown.[1] And, whereas they, and Frances Forbes, Arthour Forbes, James Barclay, and Thomas Cuming, burgesses of Forres, and Robert Forbes, son of the said Francis, had found caution to appear on a certain day now past, yet, "seing the present season of the yeir wes so tempestuous and stormie with frost, snaw, and wind as thair wes no possibilitie for the personis foirsaidis to haif come heir outher on hors or foote without the hasard and danger of thair lyveis," therefore the Lords exoner the parties and witnesses and their cautioners of all skaith which they might incur by their non-appearance at the said diet. Fol. 23, b.

30th March 1615.
Stewart of Fawlshope fined for obstructing the execution of a decreet obtained by Pringle of Buckholm against Robert Dods in Tynneis.

Complaint by Johnne and George Pringle, sons of Johnne Pringle of Bukholme, William Pringle, burgess of Lawder, and George Hoppringle in Newmylnis, as follows:—James Hoppringle, fiar of Bukholme, obtained a decreet of removal against Robert Dodis, sometime in Tynneis, and committed the execution of the letters obtained by virtue of the same to James Edyer, messenger. The said officer went on 13th March instant to the said lands of Tynneis, and first entered the said Johnne Pringle in name of the said James in the dwelling house, and removed the said Robert and his household, and thereafter proceeded to the barns to do likewise. Meanwhile Alexander Stewart of Fallishoip had come armed to the house with the intention of violently intruding

[1] *Ante*, p. 310.

Fines, 1614-1631.

himself in the possession of the same. Pursuers, hearing of this insolent attempt, directed their steps to the house, and demanded the cause of the said laird's folly. Defender thereupon drew his sword, attacked the

Fol. 24, a.

complainers, and did what he could to break the peace. "And, althocht he wes allane, and the saidis complineris four in nomber, so that thay micht easalie haif maid him acknawlege his oversicht and folyis, yitt, for the reverence thay boore to his Majestie and to his lawis," thay patiently comported with his insolence.—Pursuers and defender appearing personally, the Lords fine defender in the sum of £20, and order him to be detained in the Tolbooth of Edinburgh till he pay the same. He is also to find caution in the sum of £1000 for the indemnity of Johnne Pringle of Bukholme, and James Pringle, fiar thereof.

Fol. 24, b.

Johnne Andersone, citizen of Glasgow, is fined £20 for "geving of ane touk to William Andersone, his bruther, at the Counselhous dure, the saidis Lords being sittand in Counsell for the tyme." He is also ordered to pay £20 to his said brother, and to remain in the Tolbooth of Edinburgh till he pay the said sums.[1]

8th June 1615. John Anderson fined for quarrelling with his brother.

The Lords of Secret Council, "considering the grite offence committit be Margaret Blair, spous to Johnne Crawfurd of Kilbirny, and Malcolme Crawfurd, thair sone, aganis Jeane Cunninghame, sister to David Cunninghame of Robertland, in trayneing of the said Jeane to the place of Kilbirny in the monethe of Marche last, quhair the said Malcolme preast to haif forceit and deflorit hir, as wes cleirlie verifeit and provin aganis thame befoir the Lordis of Prevey Counsell upoun the sext day of Junij last bypast (for the quhilk the said Margaret hes bene long tyme prisoner in the Toilbuith of Edinburgh, and the said Malcolme under the dangeir of horning for not entrie of his persone in waird in the said Toilbuith)," yet,—as "the partyis ar now aggreit, and conditionis of satisfactioun maid and acceptit betuix thame, sua that no farder restis bot the finall determinatioun upoun the conclusioun and ending of this proces and inflicting of suche farder punishment for his Majesteis intresse,"—are content to impose a fine of £1000 on the said Margaret and Malcolme and the said Johnne for his interest. The said laird is to remain in Edinburgh till he pay the said sum.—See *ante*, p. 351.

Edinburgh, 20th July 1615. Commutation of the punishment of Malcolm Crawford and his mother for their criminal conduct in the affair of Jean Cunningham into a fine of £1000.

Fol. 25, a.

Complaint by Johnne M^cCome in Crawfurdstoun, as follows:—On June last, George Davidsone in Burnemouth, Charlis Davidsone, Thomas Kennedy, and Johnne Dunshey his servants, and Johne Fultoun in Wood of Dalrumple, armed with swords, halberts, quhingers, cornforks &c., went by night to pursuer's house in Crawfurdstoun, where he was going to bed, and committed a murderous assault upon him. "They harlit the said compliner furth of his said hous as a dead persone."—

Edinburgh, 23rd August 1615. George Davidson fined for assault on John MacCome.

[1] *Ante*, p. 335, where 'kicke' should read 'touke.'

Pursuer appearing, and the said George Davidsone appearing for himself and the other defenders, the Lords find the charge proven, and order the said George to pay 20 merks to the Crown and 40 merks to pursuer, and to be detained in the Tolbooth of Edinburgh till he pay the same. Fines, 1614–1631. Fol. 25, b.

Prosecution of certain persons for the reset of George Leslie of Auldcraig, rebel: Leslie of Pitcaple fined for that offence; others assoilzied.

Complaint by the King's Advocate, Helene Leyth, George Leyth, Johne Leyth, and Mr. William Leyth (*ante*, p. 386), as follows:—On 2nd December 1608, George Leslie of Auldcraig, Alexander Arbuthnot, son of the late James Arbuthnot of Lentushe, and Johne Duncane, servitor of the said George Leslie, were put to the horn for not finding caution to answer to the charge of having murdered Mr. George Leyth. Because they remained unrelaxed, "as thay do yitt," his Majesty issued a proclamation prohibiting reset of the said rebels. This proclamation was duly made on 4th February last at the market cross of Aberdyne; on April at the market cross of Banff; on April at the market cross of Elgin and Forres, &c.; on 25th March last (a public market and fair day) at the chapel of Gariouch; on 26th Marche, "in the foirnoone in tyme of divyne service," at the kirk of Fyvie; on 27th April last (a market and fair day) at the kirk of Auchterles; on Sunday, 29th April, in the forenoon, at the parish kirk of Insche; and on 4th April last, in the forenoon, during divine service, at the kirk of Foirdyce. Nevertheless, Johne Leslie of Pitcaple, and Alexander Leslie of Auchorsk, his brother, did, in the month of May last, confer with the said George Leslie of Auldcraig in the place of Pitcaple at the bridal of Leslie, sister of the said laird of Pitcaple, anent the agreement of the said George with Patrik Barclay, fiar of Towie. In April last, the said Johnne Leslie of Pitcaple went to the said George Leslie in his own house of Auldcraig, "and thair layit doune his clok within the said duelling, and took up the said George his plaid aboute him; and thairefter the said Johnne Leslie past to the duelling house of William Leslie of Auldcraig, and directit the said William to caus the said George Leslie come and speik with him." In February last, and since then, the said laird of Pitcaple has sent the said George Leslie food and other necessaries within his landis of Crimonth, and in March last has conferred with him at the back of Andro Leslie's house of Crimont. Item, Alexander Leslie of Auchorsk kept company with the said rebel in the house of George Glennye at the Mill of Auchorcheis. Item, the said John Leslie of Pitcaple, Johne Leslie of Wairdes, Johne Leslie, younger of Boquhan, William Leslie of Ryhill, and Normond Leslie, his brother, conferred with the said George in April last at the kirk of Daviot. Item, Andro Leslie in Crimont reset the said rebel within his house of Crimont in March last for twenty-four hours, and afterwards brought messages from the said rebel, then in Gilbert Leslie's house of Aberdyne, to the said laird of Pitcaple. Item, in April last, the said William Leslie of Ryhill went to the said George's house of Auldcraig, "and thair conferrit, drank, and eate with thame during thair pleasour." In May thereafter, Fol. 26, a. Fol. 26, b.

Fines, 1614–1631.

the said William sent a missive to the said George Leslie at Auldcraig by Patrik Leslie in Buchanstoun. Item, in May, June, and July last, Johne Leslie, son of Normond Leslie in Sandistoun, kept company with the said George Leslie, rebel, both in his own house, and in other parts of the country. Item, in May last, Normond Arbuthnot in Boighead and Patrik Gordoun there intercommuned with him for the space of two or three days, both in their own houses in Boigheid and at the cross of Jakstoun. Item, in March last, Normond Leslie, brother of the laird of Wairdes, met and drank with the said George Leslie within the place of Tulloch,

Fol. 27, a.

belonging to Robert Spens of Tulloch; where the said Robert likewise, at the same time and since then, supplied him with meat and drink. Item, in March last, Thomas Andersone at Mill of Donydeir reset the said George in his house at Donydene for twenty-four hours, and in April last gave him food and money. Item, Andro Leitche in Auldcraig intercommuned with the said rebel in March last in his house of Auldcraig. —The King's Advocate appearing, and the said Mr. William Leyth appearing for himself, and Leyth, apparent of Harthill, as procurator for the other pursuers, and the said lairds of Pitcaple and Ryhill, and Normand Leslie and Thomas Andersone, being also present, and Alexander Leslie of Auchorsk, Andro Leslie in Crimont, Robert

Fol. 27, b.

Spens of Tulloch, Johnne Leslie, son of Normand Leslie, sometime of Sandistoun, Andro Leitche in Auldcraig, Normond Arbuthnot, and Patrik Gordoun not appearing, the Lords find that the said Johnne Leslie of Pitcaple has intercommuned unlawfully with the said George Leslie of Auldcraig, and order him to pay a fine of 100 merks, and to remain in Edinburgh till he pay the same. They assoilzie the remaining defenders who appear, because they deny the charges on their oath; and they order the absentee defenders to be denounced rebels.

Fol. 28, a.

Edinburgh, 16th January 1616.

David Bigholme fined for assault on Robert Galloway.

Complaint by David Bigholme in Banchorie, and William Bigholme, his son, as follows:—On the complaint of Robert Galloway against them for an alleged invasion, the Lords committed the said David to the Tolbooth of Edinburgh till he should present his son to the Council. Since then his son has appeared, and he too has been committed to ward. The said David has now been in prison for five or six weeks. What fell out between them and the said Robert was by accident, "and the said Robert will not upoun his conscience say that the said David did ony harme, he all that tyme being most sorie and grevit that ony suche mater sould haif fallin oute betuix thame." This matter has, moreover, been tried before the sheriff of Clackmannan, in whose sheriffdom both dwell; and the said William has paid his fine, and has offered all reasonable satisfaction to the said Robert. The said Robert, however, refuses to accept the offered satisfaction, "as ane instrument tane upoun his refuisall shawne to the saidis Lordis bearis, quhairby it appeiris that his onlie drift and intentioun

Fol. 28, b.

is to hald the saidis complineris continewallie in waird."—Pursuers appearing personally, and the defender appearing by Sir James Erskine, knight,

his procurator, the Lords order the said David, for himself and in name of the said William, to pay a fine of 200 merks to the Crown, and also 300 merks to the said Robert. They are to be detained in ward till these sums are paid. Fines, 1614-1631.

Edinburgh, 22nd May 1616. Harry Purves, surgeon, fined for assault on Adam Finlasoun in the Canongate.

Complaint by Adame Finlasoun, merchant burgess of Edinburgh, as follows (*ante*, p. 523):—On 7th May instant, while pursuer was walking in the Cannogaite unarmed, he was attacked by Harie Purves, surgeon, indweller in the Cannagaite, who had been lying in wait for him at the head of the said burgh. "He come upoun the said compliner behind his bak or evir he saw him or wes wer of him, and schamfullie and unhonnestlie threw the said compliner over ane grite bing of tymmer and treis lying on the calsay, quhairby his head and shoulderis wes verie sore birsit and hurt. And, not content thairwith, the said compliner being lyand on the calsay almost senseles and dammeist with the said fall, the said Harie Purves come upon the said compliner with a drawne dager, and thairwith cruellie and unmercifully invadit and persewit him of his lyff." Defender would have slain him, but for the timely intervention of some persons near.—Pursuer and defender appearing personally, the Lords find the charge proven. They order the defender to pay 100 merks to the Crown, and to remain in the Tolbooth till he pay the same, and till he find caution in the sum of 500 merks for the indemnity of pursuer, and for appearance before the Council on six days' warning. Fol. 29, a.

Edinburgh, 11th June 1616. Forfeiture of caution for John Gordon of Ardlogie.

Complaint by the King's Advocate, as follows:—On 21st March last, Adame Gordoun of Glenbuchat, Alexander Coupland of Udach, and James Keyth of Kynnadie became cautioners in the sum of £5000 for Johnne Gordoun of Ardlogie, that the said Johnne, if relieved from the Tolbooth, should remain within the burgh till he should be put to liberty. Nevertheless the said Johnne, "being in his awne conscience guyltie of the unlauchfull taking, keeping, detening, and barbarous executioun of umquhile Frances Hay" (*ante*, pp. 496–502, and p. 577, footnote), and "fearing the event of his tryall," has withdrawn without licence from Edinburgh.—Pursuer appearing personally, and the said Adame Gordoun being present, and the other defenders not appearing, the Lords order the payment of the said caution money to the Crown. Fol. 29, b.

Edinburgh, 18th June 1616. Robert Keith, falconer to Lord Berridale, fined for illegal carrying of fire-arms.

Complaint by the King's Advocate, and Arthour, Lord Forbes, as follows:—On May 1614, Robert Keyth, falconer and servitor to William, Lord Berridaill, accompanied by forty bowmen, armed with bows, darlochs, swords, dirks, &c., and wearing hacquebuts and pistolets, went, by the direction of George, Earl of Caithness, and William, Lord Berridaill, to Lord Forbes's lands of the Craig of Dunbaith, where Johnne Gariauche, his servitor, was keeping his falcon nest for the time. The said Robert first presented a bent pistollet and held it to the breast of the said John, and thereafter "causit clyme the said craig, and took furth thairof ane Fol. 30, b.

Fines, 1614-1631.

young falkone not past sex nichtis auld, and kaist the haill unklettit eggis ovir the craig in the sea." On another day in the said month, the said Robert and his accomplices, by orders from the same persons, went by night to the Craig of Sandsyd and took away pursuer's falcon nest. On 19th May last, they went again to the Craig of Dunbaith, and took away all the hawks of the said craig; and thereafter did the same at the Craig of Sandsyd.—Pursuer and the said Robert Keyth appearing personally, the pursuer passes from all complaint *pro loco et tempore*, except the charge of having worn hagbuts and pistollets, which the defender admits. The Lords impose a fine of 10 merks, and order him to be detained in the Tolbooth till he pay the same.

Fol. 31, a.

Edinburgh, 28th August 1616. Robert Forbes, son of the Laird of Monymusk, fined for an assault on John Galloway, servant of Gordon of Cluny.

Complaint by Johnne Galloway in Park, Gilbert Walker and William Law, tenants and servants of Alexander Gordoun of Cluny, and the Laird of Cluny for his interest, as follows:—On , pursuers were pasturing their "goodis" upon the Park of Cluny. "Tua or thrie of thair saidis goodis haveing through the vehement hett of the soun start over the burne of Cluny upoun ane bair peece of ground pertining to the laird of Monymusk, and thay being turning the saidis goodis af the said peece of bair ground," Robert Forbes, son of William Forbes, elder of Monymusk, and some armed accomplices, sent by order of the said Laird, "he being looking on," pursued them, and, taking from Johnne Galloway his own staff, assaulted him and felled him to the ground. Moreover, they followed the others over the Park dyk, and, having overtaken them, "tirred thame of thair cleithing," and beat them with "rungs," although they cried hard for mercy.—The said Laird of Cluny and Robert Galloway appearing, and the said Robert Forbes being also present, the Lords find that the said Robert Forbes assaulted the said Robert Galloway, and order him to pay 100 merks to him and £50 to the Crown, and to be detained in the Tolbooth till he pay the same. The said Laird of Cluny and Robert Forbes are to find lawsurety one with the other under the pain of 3000 merks, and to remain in Edinburgh till they find the same.

Fol. 32, a.

Edinburgh, 28th August 1616. Forfeiture of caution by Cuthbert Mure.

On 6th August instant, Cuthbert Mure, furrier, burgess of Edinburgh, became cautioner in the sum of 300 merks that Thomas Blakie in West Housis, and Hew Blakie, his son, would appear this day in answer to the complaint made by Lady Cokpen (*ante*, pp. 590, 596). As the said persons have not appeared, the Lords order the said Cuthbert Mure to pay his said caution to the Treasurer Depute.

Edinburgh, 31st October 1616. Forfeiture of caution by Blackadder of Tulliallan.

On 10th October instant, Johnne Blacader of Tulliallan became cautioner in the sum of 5000 merks that Sir Johnne Bruce of Arth should appear this day anent his variance with Johnne Baillie of Lethame. As the said Sir Johnne has not appeared, the Lords order the said laird of Tulliallan to pay the said sum to the Treasurer Depute.

Edinburgh, 12th November 1616.
William Douglas of Pumpherston fined for an assault on John Wright.

Complaint by Johnne Wricht at the Brigend of Calder, as follows :— Fines, 1614-1631. Fol. 32, b. On 5th October last, William Douglas of Pomphirstoun, who has conceived a deadly hatred against pursuer, went with a baton in his hand to the back of complainer's house, and chased him into his house. On 7th October, the said defender went armed, under cloud of night, to the house at the Brigend, where pursuer was sitting before the fire. The said William, who was "disaguysit with a blew bonnett on his head and his cloke about his mouthe," entered before pursuer was aware, and committed a fierce assault upon him with a squared baton. He left pursuer for dead, and "trampit his wyff and bairnis under his feitt."—Pursuer and defender appearing, the Lords assoilzie defender from first charge, but find him guilty of the assault committed on 7th Fol. 33, a. October. They order him to pay £40 to pursuer, besides a fine of 40 merks to the Crown. He is to be detained in the Tolbooth till he pay these sums, and till he find caution in the sum of 1000 merks for the indemnity of pursuer.

Edinburgh, 19th December 1616.
Thomas Meldrum of Iden fined for an assault on William Baillie in the Broadgate of Aberdeen.

Complaint by the King's Advocate, and William Baillie, servitor to Patrik Dalgarnoch, son of the late William Dalgarnoch of that Ilk, as follows:—Thomas Meldrum of Iden, and Patrik Meldrum, his son, have conceived a deadly hatred against pursuer. Having learned that pursuer was in Abirdene, they, on 12th November last, assembled their friends under arms, and hid themselves in several places in the burgh, Fol. 33, b. "especialy in the Broad Gate of the Gallowgaite, and in Andro Meldrumes buith," and under stairs there. When they perceived him coming up the said street unarmed, they all "brack at him" with drawn swords. They committed a fierce assault upon him, "cuttit a grite pairt of his lug oute of his head," and would have killed him but for the timely interference of some gentlemen. The assault was also the occasion of a great disorder in the burgh, which was not pacified for some hours after.—Pursuer appearing, and Thomas Meldrum of Iden appearing for himself and his son, the Lords find the charge proven in all points, except that Fol. 34, a. of bearing forbidden pistollets,—from which pursuer consented to pass,—and order the said Thomas to pay 200 merks to pursuer, besides 100 merks to the Crown. He is to be detained in the Tolbooth till he pay these sums, and till he exhibit his said son.

MISCELLANEOUS PRIVY COUNCIL PAPERS.

A.D. 1613–1616.

PRIVY COUNCIL PAPERS.

1. Royal Letter, under the sign manual, as follows:—"Richt trustie and richt weilbelovit cousing and counsallour, and trustie and weilbelovit counsaloris, we greit yow hairtelie weell.—We have had conference with the Erll of Ergile anent the present estate of our service aganis the Clangregour; who doeth informe us that all of that race who wer gevin in bill to him to be persewit ar either slane, execute be law, or have compeirit befoir yow, changeit thair names, and found souirtie for thair good behaviour in tyme comeing,—excepting onlie Allester M^{c}Allester Vreik, and Duncane M^{c}V^{c}Eandowy, and thair followeris, to the nomber of twentie-four personis, with some poore creatures who, notwithstanding of thair innocencie, dar nocht compeir befoir yow, fearing to be imprisouned for laik of meanes to find cautioun, as otheris have done: whiche, in regaird of thair povertie, they ar nocht able to do. And, since the intertenyment of waigeit men for persute of the saidis Allester and Duncan and thair followaris may prove in end to be als chairgeable to us as when the wholl nomber of that unhappie race wer all outlawes, we have thocht upoun the second remedies whiche we desire yow to see put in executioun:—

11th March 1613. Letter from the King to the Council, with specific instructions as to the mode of dealing with the still outlawed residue of the Clan Gregor.

As, first, altho in our other letter we do allow of the course yow have taikin in fyning of the ressetteris of the Clangregour at the tenth pairt of thair habilitie according as they have bene valued unto yow, yet we do nocht mean that that course shall tak place in the fyning of the ressetteris and ministeris of confort to the saidis Allester and Duncane and thair followeris; for we can no otherwise esteme of thame but as men resolvit, as if it wer with oppin baner in plane contempt of us and our auctoritie, to manteyne these few lymmeris to be chiftanis and ringleaderis when tyme shall serve to suche of the young onis and broode of that barbarous race as within few yearis may trouble the quiet estate of that our kingdome, if the same be nocht in tyme wyislie preventit. And thairfore our pleasour is that yow shall inflict a more condigne punishement upoun the ressetteris and shewaris of confort to these two lymmeris and thair followeris by fyning of thame at the fift pairt of thair habilitie, according as they ar alreadie or shall heirafter be v[aluit] unto yow; and that yow observe this cour[se without] any favour.

Miscellaneous Papers.

The second remeid is that, at what tyme the wholle outlawes of that race and clan shalbe reduceit to the nomber of tuelf personis, and the same with thair names made knowen unto yow, that yow immediatlie thairefter caus oppin proclamatioun be made at all neidfull pairtis of that our kingdome declairing the saidis tuelf personis by name and surname to be our avowit and declairit rebellis, and making intimatioun to all our subjectis that, upoun whose land and ground it shalbe tryit that any of the saidis tuelf personis shalbe ressett and remane togidder at one tyme during the space and in that forme that by law may be provin to be a ressett, the landislord and awner of that land shall frome that furth be answerable and liable to our lawis for all thiftis, murthoris, heirshippis, firerasingis, and otheris wicked deidis done in tyme bigane, or that shalhappin to be done in tyme comeing, by the persoun swa ressett or ressaving confort,—and that by and attour the fynes to be levyed of thame to our use for the said ressett. And, howsone the nomber of the saidis outlawis shalbe reduceit to tuelf personis, our pleasour is that the Erll of Ergile fra that furth shall nocht be oblist to intertene waigeit men for thair persute.

And, for the poore creatures befoir writtin, oure pleasour is that yow try if this informatioun concerning thair innocence be trew, by sending for the haill landislor[dis] of the M^{c}Gregoris and suche other gentlemen of the countrie as yow think good, and urgeing of thame to give up dittay aganis these poore creatures, and, if efter triell any of thame shalbe found innocent (for so we most esteme thame aganis whome no dittay can be geven), yow shall declair the pairties so found to be our good and peaceable subjectis, and inhibite the Erll of Ergile frome all persute of thame, and declair his commissioun in that point to be satisfeit, and he exonerit thairof in safar as may concerne the persute of the saidis innocent personis. And so, expecting your cairfull adverting to every particuler befoir writtin, we bid yow hairtelie fairwell. Frome our Court at Thetfoord, the xj of Marche 1613."—On the back—"To our right trustie and right weilbelovit cousing and counsalour, and to our trustie and weilbelovit counsaloris, the Erll of Dumfermling, our Chanceller, and otheris, the Lordis of our Previe Counsall of our Kingdome of Scotland."

Edinburgh, 11th March 1613.

Charge for denunciation of Neill Oig MacNeill and others.

2. Charge to the King's messengers to denounce Neill Oig M^{c}Neill, Gillivane M^{c}Neill, Rorie M^{c}Conneill, and Johnne M^{c}Allane, rebels, according to decreet, *ante*, p. 6. [Pursuers are here said to appear by James Logie, their procurator].—The document bears the Council seal, and is signed by James Prymrois. At the foot, in the left hand corner, is written,—"Apud Innernes, decimo quarto Aprilis anno Domini j^{m}vj^{c} decimo tertio. Productum per Allexandrum Monro, nuntium, et registratum in libris vicecomitatus de Innernes per me Andream Fraser, notarium clericum et scribam eiusdem, sub meis signo et subscriptione manualibus.—A. Fraser."

Miscellaneous Papers.

17th March 1613. Minute of various Council matters of this date: viz., the Silver Mines of Hilderston, Foreign Coin, University of Aberdeen, Bishopric of Orkney, Burgh of Edinburgh, Murder of the Tutor of Cassillis, Tenants of Islay.

3. "Minute of Counsall materis, 17th Marche 1613," containing:—

(*a*) Summary of conditions for working the silver mines at Hilderstoun (see *ante*, p. 15).

(*b*) "The officiaris of the mynt, with sum of the best trafficquaris and merchandis of the burgh of Edinburgh, hes bene at gryt lenth hard upoun the mater of the coyne, and anent the cours and passage of forein coyn, and upoun the conveniencie and inconveniencie of the restreant of the cours of forein coyn conforme to the law, or gif a tollerance micht be grantit for the cours thairof for some certane space upoun moderat pryces, in respect of the present darthe and scarsitie of victuallis and of the scarsitie of silver presentlie within the cuntrie . . It resolved in this,—that the tollerance wes not to be gran[tit, bot the] restreant to be followed out, and the contraveneris b[e punisheit]; and directioun is gevin to the maister of the mynt to a[ppoint] changeris to attend the principall mercattis in this kingdome, [who] shall resave all forein coyn upoun such pryces as shalbe set doun in a table, and shall bring the same unto the cunyhous."

(*c*) "Ane commissioun is exped for visitatioun of the Universitie of Abirdene to a number of noble men, prelatis, and utheris, gevin upe be the Archbischope of Glasgow, conforme to his Majesties directioun sent doun for that effect."

(*d*) "The Bischope of Orkney hes bene at lenthe hard and ressonit with upoun his demandis anent the establishing of him in his bishoprik and secuireing of him in his rentis. The cheif heidis contraverted betuix the Counsell and him ar the patronage of the kirkis in Orkney and the superioritie of the landis. The Counsall standis maist upoun that poynt concerning the superioritie. Thay ar to have some wtheris meittingis; and it is thocht that they shall agrie, and that his Majestie shall not be forder troublit thairwith."

(*e*) "Ane act and warrand is past to the burgh of Edinburghe declaring that they have performed and satisfeit that quhairin they obleist theme selffis to his Majesteis dochter, and ordaining thair act maid in thair awin buikis to that effect to be deleit, conforme to his Majesties warrand sent doun to that effect" (*ante*, p. 14).

(*f*) "For satisfactioun of his Majesteis directioun anent the trying of Thomas M^{c}Alexanderis pairt in the murthur of umquhile the Tutour of Cassillis, the Counsell hes wrytten to the Erle of Cassillis and to the Laird of Cullean, to understand be thame quhat is in that mater, and gif they have just reasoun for thame to persew M^{c}Allexander as accessorie to that murthur; and they ar to returne thair answer heirupoun to the Counsell upoun the xxviij of Apryle."

(*g*) "Complainte being maid be the tennentis of Ylay that Sir Ronald M^{c}Soirill, who hes procurrit a richt of that Ile, intendis to subject theme to the lawis and formes of Ireland, thay have warrand grantit in thair favour discharging all forein lawis to be used in the saidis boundis" (*ante*, p. 13).

Miscellaneous Papers.

13th April 1613. Memorial of matters agreed upon between his Majesty and Archibald Campbell regarding proceedings in the Highlands.

4. "Memoriall concerning the Hielands be informatioun sent from his Majestie be Archibald Cambell, 13th April 1613:—

Archibald declairies that, in his brother the Laird of Lawers name, he hes undertane to his Majestie that the Makgregoures bairnes sall be put in sik obedient subjectis handis as sall be ansuerable for thame and mak thame furthcummand whanevir his Majestie or the Counsall sall call for thame.

That, whan any complaint sall be maid in Counsall, or any gude subject sall dilait any violent oppression to be committed in the Hielandis be any maisterfull owtlaw, that, upon my adverteisment thairof to his Majestie, if he sall please to send ane secret warrand or direction to the Laird of Lawers or his brether for persute and apprehension of the said rebell, thay sall persew him and do thair faithfull indevours to bring him in aither deid or quik,— provyding the directioun be keiped secret, and not divulgat to the Counsall or utheris.

That the Laird of Lawers and his brether sall meit the Laird of Grant in Santiohnestoun within sevin or aught dayes, and appoynt with him the best meanes of thair concurrence in the persute of the rebellis of the Clangregour.

Archibald hes promeised to the Laird of Grant, in his Majesties name and the Erle of Argyles, that, if he slay or tak Alaster Makallester, or do any other notable service be him self or his freindis, he sall be wourthelie recompensed, and find favour for ane pairt of the ouersightis committed be him or sum of his freindis in favouring the Clangregour.

Grant hes promeised to serve so faithfullie in the particular aganis the Clangregour or any uther his Majesties rebellis as he hopes to disserve bothe thankis and benefit, and hes willed me to adverteis me [him] of his Majesteis pleasour, and promeised to write to me of his proceidingis.

Archibald Cambell promeisis to put in my handis ane band of the Laird of Lawers obleising him self, incaice Makclane or his freindis brek furth or commit any disobedience for thair miscontentment that his Majestie hes disponed to Lawers the landis of Morverne acclamed be Makclane as his kyndlie possessioun, that the Laird of Lawers, be assistance of the Erle of Argyle and uther freindis, without any chairges to the King or trouble to his liegis, sall aither reduce these rebellis be force to obedience, or resigne *simpliciter* to his Majestie the saidis landis of Morverne. Bot Archibald desyres this condicion to be keiped closse to my self.

Condicion maid to the Laird of Mayne, Hayes sone, incaice he tak or slay Allester Makalester, or do notable service aganis the Clangregour."

29th April 1613. Order to John Auchmutie, groom of the chamber, to go to Berwick

5. "The Lordis of Secreit Counsaill ordanis and commandis Johnne Auchmoutie, groome of his Majesteis bed chalmer, to repair to the toun of Berwick accompanied with a clerk-depute of the Sessioun, and thair to ressave fra Mr. Roger Widdringtoun and George Nicolsoun all suche evidentis, letteris, and writtis beeing in thair handis as concernis his

Miscellaneous Papers.

Majestie; and to mak ane inventair of the same evidentis, letteris, and writtis, and to grant his acquittance and discharge thairupoun,—whilk salbe a sufficient warrand and exoneratioun to the saidis Mr. Roger Widdringtoun and George Nicolsoun. Gevin at Edinburgh the penult day of Apryle 1613.—Al. Cancellarius; Glasgow; Sir T. Hamiltoun; Sir Alexander Hay; Sir A. Drummond; Sir W. Oliphant." and receive documents from Mr. Roger Widdrington and George Nicolson.

6. Acquittance granted by Johnne Mylne, servitor to Johnne, Lord Thirlestane, to James Prymrois, clerk of Privy Council, for the sum of £20, which was placed in his hands by Patrik Hepburne of Newmylnis, as a fine imposed by the Lords of Council on 7th April instant. Dated Edinburgh 30th April 1613. Witnesses.—Christopher Cokburne, servitor to Lord Thirlestane; Mr. George Low, servitor to Thomas Young, writer to the Signet; and David Johnstoun in Lanye Mure.—Signed Johne Mylne, "with my hand at the pen, led be the notar underwrittin at my command, becaus I cannot wryt (ita est Mr. Thomas Young, notarius publicus ac testis, &c.), Mr. Christopher Cokburne, witness, Mr. George Low, witnes." At the foot,—"I, Mr. Thomas Henrysone, procuratour for Johne Mylne, consentis to the registering heirof in the buikis of Secreit Counsall. Edinburgh, the last of Apryle 1613.—T. Henryson." 30th April 1613. Acquittance by John Mylne to the Clerk of the Council.

7. Royal letter, under the sign manual, to the Chancellor and Council, as follows:—"Right trusty and right welbeloved cosen and counsellour, and right trusty and welbeloved counselloris, wee grete yow well.—Wee sende unto yow here enclosed a petition concerning coyning of lay monie presented unto us by our right trusty and right welbeloved cosen the Marquis of Huntlie, willing yow carefullie and diligentlie to advise upon the contentes thereof; which if after dew and mature deliberatioun yee shall finde to be nothing prejudiciall to the commoun wealth of that our kingdome, wee are contented to grant to our said cosen according to his desire. But, if it shalbe found otherwise, it is our pleasour that yee acquainte our said cosen with the reasonis thereof, to the ende that he may reporte them back to us. And so wee bid yow farewell. At Totnam High Crosse, the first of Maie 1613." (See p. 57.) 1st May 1613. Letter from the King as to a petition of the Marquis of Huntly.

8. "We, the gentillmen and elderis and chirurgian undersubscryveris, declairis and testifies upoun our treuthe and honour to the richt honourable the Lordis of his Majesties Secreit Counsall that Jhon Gordoun of Newtoun is alltogider unabill to travell and compeir befor the saidis Lordis for entering in waird within the Castell off Edinbroche without danger off his lyff, inresspect off the said Jhon Gordounis inhabilitie and disseis throche his gryt aig and fall he gatt aff ane horse, quharoff he hes lyne this lang tyme, and lyis, and on nawayis is abill to travell without gryt danger off his lyffe. And this we testiffie to be off treuthe upon our honour and honestie. In witnes quharoff we haiff subscryvit thir presentis at Newtoun, the saxt day off Maij ane thowsand sax 6th May 1613. Certificate of the inability through illness and old age of John Gordon of Newtoun to appear before the Council.

hundrethe and thretein yeiris, befor thir witnes[is]: Jhon Cristhine, burges of Aberdein; Thomas Donaldsone in Newtowne; Patrik Gordoun in Rynnie.—Jhone Fraser, chirurgeane; Jhone Leslie of Wardes; Willyem Gordone of Balgultoun (?), with my hand; Jhone Gordoun of Drymes, with my hand; Allexander Gordone, in the Schell of Greine, ane elder; Andrew Andersone, ane elder, and wretter heirof; James Spens, ane elder at Inche, with my hand; Patrik Gordoun in Rynnie, witnes; Thomas Donald, witnes." (See p. 64.)

14th May 1613. Certified deposition of George Edgar before Sir Wilfrid Lawson, concerning certain cattle.

9. "The Examinac[i]on of George Edger, Mr. Dentonis man of Warnell, taken the daie aforesaid before Sir Wilfrid Lawson, knight, one of his Majesties Comissioneris for the Middle Shires of Great Brittaine:—

Being examyned upon his oath, saith that, he being sent to the sheriff of Galloway with a letter or warrant from the Lord Cranston, one of his Majesties Comissioneris for the Middle Shires of Great Brittaine, touching the delivery of Mr. Dentons chattell, as this deponent thinketh, with a letter or warrant, he, this deponent, delivered [the same] to the said sheriffe,—who directed him to goe to Gilbert Browne by a token to deliver him the said chattell, being eight in number. And, when this deponent came to the said Gilbert, and delivered this message, Gilbert told him one of them was dead, and, shewing him five of the rest, they were soe weake and over wrought (for this deponent saith that before that time he sawe foure of them drawne in the said Gilbertis plough, whereof the said oxe which dyed was one) that they were not able to drive. Soe this deponent saith he leaft them all, and brought none awaye.—Wilfr: Lawson."

15th May 1613. Letter from William Grymston in Carlisle Castle, accompanying the preceding.

10. "Right Honourable.—Accordinge to youre directioun at Idworthe, I have cause Mr. Denton man to be examyned upon oythe; and hear inclosed I have sent yow Sir Wilfrid Lawson certificate, in which yow may know how the busines was carried betwene the sheriffe of Galloway and Mr. Denton man that went with your letter or warrant to him. And, as for Henrye Baxter, your owen eares weare witnes how contemptuouslie the sheriffe of Gallawaye carried him selfe when he came to him with my Lo: Chanslour letter, neyther respectinge the letter nor his messuage, but sent him awaye without any answear. These are therefore to intreat yow that yow wole be pleased to give order that our cattle may be brought home to us by the sheriffe in some reasonable fashion as they weare when he seazed them; for this lett him be sure of,—we will never come for them againe. Our reason is that it is his falt that we have wanted them all this while, and also onelie he the cause of our great troble and cherdge. Therefore we humblie intreat yow to command them to see this satisfyed—which yf they doe not, our Comissioneris hathe commanded us never to stirr more in this busines. And, this not doubting of your honorable favour in this behalf, I ceace, and ever rest your honouris

Miscellaneous Papers.

to command in all dewtie and service. WILLIAM GRYMSTON. Carlill Castle, 15th Maij 1613.—I wold intreat yow that yow wilbe pleased to send me younge Twedopp, for that I heare yow have stayed him for me."—On the back—"To the Right Honrble. my verie good Ho: the Lo: Cranston, Sir Judethe Murrey, and Sir William Seton, his Majesties Commissioners for the Midleshiers of Great Brytein, at Edenburghe, or els wheare, this."

8th June 1613. Letter from the King in favour of the Earl of Argyle in certain particulars of the dealing with the Macgregors.

11. Royal letter, under the sign manual, as follows:—"Right trusty and right welbeloved cosen and counsellour, and right trusty and welbeloved counselloris, wee greete yow well.—Our right trusty and right welbeloved cosen the Earle of Argyle now going into that our kingdome to give an accompte of the service against the M^cGregoris, which wee thinke now almost at an end, wee have thought good hereby to signifie unto yow that wee are well pleased that at the accompte of the said service our aforesaid cosen shalbe charged with none other but of the surname of M^cGregour, seeing for them only and none other his commissioun was given. And, seeing that such of them as are already brought in and have founde cautioun for their good behaviour may thinke them selves free if they shall survive their cautionares, and so take occasioun to returne to their former trade of life, *for avoyding of that inconvenience wee thinke it expedient that yee calle before yow all such as became cautioners for any of the said M^cGregoris, and cause them binde and oblish their heires and successoris alswell as them selues.* And, becaus this case is as yet singulare in the person of Gregour M^cCoule Chere, it is our pleasour that yee cause him find a new caution for his good behaviour, or els committe him to warde. And, whereas wee are enformed that ane Gregour M^cPatrik, being brought in at the time of the incoming of Robert Abroch, was delivered to the Earle of Perth and by him to the Maister of Mederty, wee see no reason (if the said informatioun be trew) that the Earle of Argyle shoulde be further charged with him,—but that yee shoulde cause the said Earle of Perth and Maister of Mederty be aunswerable for him in all time coming. And, all these particularityes commending to your speciall consideration, wee bid yow farewell. At our Mannour of Greenewich, the viijth of June, 1613." On the back—"To our right trusty and right welbeloved cosen and counsellour the Earle of Dumfermeline, our Chauncellour, and to our trusty and welbeloved counselloris the remanent Lordes and otheris of our Privie Counsell in our Kingdom of Scotlande."

25th June 1613. Letter from the King enjoining strict prosecution of the persons discovered as having

12. Royal letter, under the sign manual, as follows:—"Right trusty and right welbeloved cosenis and counselloris and right trusty and welbeloved counselloris, wee greete yow well.—Having latelie understoode of masse said in our burgh of Edinburgh, and discovered by the diligence of the Archbyshoppe of St. Andrewes with the assistance of the Magistrates of our said burgh, and that some of the hearers, being apprehended and

attended mass in Edinburgh.

demaunded concerning their associates and fellow hearers, having first forsworne them selves (a mater ordinarie and usuall with them of that religioun), yet at length have made such confession as thereby wee perceave more to be infected with that leprosie then wee coulde well have imagined,—and therefor wee thinke the tryall thereof not to be slightlie passed over, but (in respecte that it importeth so highlie to our wholle estate) to be searched out to the uttermost: wee have therefor thought good by these presentes most earnestlie to desire yow, as yee will aunswere to God and to us, to use such diligence and curiosity in the search and punishing of this greate offence as no man may hope by his close conveyance of the lik affaires (how secretlie soever they shall be practised) hereafter to passe unchallenged. Which earnestlie desiring and assuredlie expecting at your handis, wee bid yow farewell. At our Mannour of Greenwich the 25th of June 1613." On the back—"To our right trusty and right welbeloved cosenis and counselloris, the Earle of Dumfermeline, our Chauncellour, and to the remanent Earles, Lordes, and otheris of our Privie Counsell in our Kingdome of Scotland." Miscellaneous Papers.

10th July 1613.

Warrant for the arrest of Patrick Eviot.

13. Warrant to all Sheriffs, Justices of Peace, Constables, Provosts, Bailies, and Magistrates of Burghs, to apprehend Patrik Eviot, natural son of the late Finla Eviot in Muretoun, who took away the writs, &c., belonging to Jhone Mathew, son of Edward Mathew of Balhoussie, in St. Androis in April last, and is now waiting for a ship to leave this realm, meaning thereby to conceal the name of the person to whom he has delivered the same or by whose counsel he took them away. Given under the royal signet at Edinburgh, 10th July 1613.

On the back there are jottings of the suits "to be callit":—viz., The Magistrates of Lynlythgow against Thomas Foullis; the Laird of Clakmannane against the Laird of Fingask; Williame Hay against the Lady Errole; Niniane M^{c}Morane against Robert Arnott; Duncane Buy against James Gordoun; Strowane, Weyme, Duncane Menyeis, Glenlyoun; and the case of Jeane Howiesoun.

Edinburgh, 30th July 1613.

Petition of Alexander Kennedy and John Kennedy for release from Edinburgh Castle.

14. Petition by Alexander Kennedy, brother of the Laird of Culyeane, and Jhonne Kennedy, servitor to the said Laird, to be released from the Castle of Edinburgh, in which by sentence of the Council, at the instance of Alexander Barclay, they were placed at the time that James M^{c}Cornok [in Cragoch] was committed to the Tolbooth of Edinburgh on the same charge:—"It is of veritie that at that tyme quhenas we come by the said Alexander Barclayis yett we haid no intentioun to invad or persew him, or to [do] ony harme or injurie to him, the said way by his yett being our ordiner and narrest way hame to our awne ludgeing in Mayboill; and, yf ony offens wes done be us at that tyme, the same wes by us be the provocatioun and procurement of the said Alexander and his freindis, who, in a bragging manner, aboad at the said yett of purpose to haif stayit us fra repairing to our ludgeing foirsaid

Miscellaneous Papers.

the said hie way." Petitioners promise to find caution not to depart from the burgh till the Council permit.—Indorsed, "*Fiat ut petitur* for Alex^r. Kennedy and Johnne Kennedy allanerlie.[1] AL: Cancellarius, GLASGOW."—"I haif ressavit this cautioun.—J. Prymrois." (See p. 117.)

15. Letter, addressed to the Chancellor, as follows:—"My very honorable lord,—Being at Stirling this last Sonday, I undirstood be Mr. Patrik Simson, minister thair, that sum trouble is su[ire] to arryse betwen the Erle of Mar his servantis and sum of my lord of Lynlithgw [his] freindis be occasioun of ane insolence committit, as thay say, be o[ne] Haddon, that is porter of the Castel, quho hes beatit a sonne of Mr. Hary Levingston, minister at St. Ninianis . . . . . has left his fatheris house and to repair him self be way of , and it is thoght that if [thingis] be not preventit it sall breid sum inconvenient, in respect of the old jarris that your Lordschipis rememberis wes in these partis. I culd thinke of no better mean to helpe that mater then to adverteis yow, that bothe parties, if in your Lordschipis wisdom it be thocht meit, may be wairnit to appeir befoir [yow], and, efter tryel, the offender punischeit; for I heir the younge man thinkis not to complain, esteming his remeid wilbe smal that way. And, howbeit I haif assurit those with whom I spak that the Counsel wil censure the faulte hardly enoughe if it be qualifeit in regaird of the circumstancis, yit haif I litle prevaylit. This I thoght my dewtie to mak knowin to your Lordschip, being ready alwise to serve your Lordschip to my uttermost. So I rest your Lordschipis to be commandit with service: GLASGOW.—Glasgo, the ij of August 1613."

2nd August 1613. Information to the Chancellor by the Archbishop of Glasgow concerning some trouble between the Earl of Mar's servants and Lord Linlithgow's.

16. Commission to Johnne, Archbishop of Glasgow, Sir Johnne Cokburne of Ormestoun, Justice Clerk, Sir Williame Oliphant of Newtoun, Advocate, and Sir Williame Hairt, Justice, or any of them, to examine Mr. Robert Phillop, priest; to put his deposition in writing; and, if he be obdurate, to "put him to the tortour of the bootis." Given at Edinburgh, 25th August 1613.

25th August 1613. Commission to examine Mr. Robert Phillop, priest, under torture, if necessary.

17. "Mr. Robert Phillop, preist, being this day presentit to his tryall befoir my Lord Archbishop of Glasgow, Sir Johne Cockburne, Justice Clerk, and Sir William Hart, Justice Depute, according to ane commissioun direct to thame for that effect, the said Mr. Robert Phillop being deiplie sworne and urgeit to mak answer to suchie questionis as sould be proponit unto him, he maid answer that he in some thingis wald mak answer directlie, and, in utheris materis tuiching him, as he allegis, in conscience, he denyis to mak answer thairto; and sayis, as for ony thing tuiching him selff in his religioun, he will answer unto the same, bot, as to utheris, he plainlie sayis he will dilait no man.

And thairefter, being upoun his kneis humblit, and deiplie sworne,

25th August 1613. Deposition of Robert Phillop, priest, on examination respecting masses said by him in various places.

[1] James M'Cornok in Cragoch seems to have been a co-petitioner, but his name has been deleted from the preamble.

sayis he is now about xxx yeiris, and that he wes maid Maister in Pareis ; bot that he wes maid preist in Rome befoir he wes maid Maister. And, being askit quhat movit him to come in the countrey, sayis he come to visite his father onlie ; and grantis the first messe he said wes in the dwelling hous of Forsyth, relict of umquhile George Lockart, in the Cannogait, without this womanis knawledge. Grantis he said this messe be the perswatioun of Mr. Robert Midletoun and Ingryme, quhilkis tua personis wer onlie present with him at the said messe ; and sayis that this messe wes said be him as said is about the end of May or beginning of Junij last. And, being askit how mony messeis he haid said in Scotland, grantis he said fyve messis :—viz., tua thairof in the chalmer foirsaid, and the uther thrie messis wer said in Galloway in a waist hous ; and sayis he haid no vestimentis of his awne quhen he said thir messis, bot sic as wer furnissit unto him ; and sayis at the secund messe in the said chalmer thair wes ane boy callit Slowane, with the uther tua personis abonewrittin, present. And, being askit quho wer with him at the messis foirsaidis said be the deponent in Galloway, deponis that he may not of his conscience tell that, bot sayis at the first of these messis thair wer some sex or sevin personis present, and will not grant quhat they wer. And, being askit yf Mr. Charlis Broun haid bene at ony of the saidis messis, sayis it is not lauchfull for him to grant that.

And, tuiching the saying of the tua messis in the chalmer of the Cannogait, sayis he will not grant who mae nor the personis foirsaidis wer with him, bot sayis thair wer no personis with him nor these quhome he hes alredy reveilit.

And the deponer, being sett in the butis, standis yitt at a constant denyall quho wer with him at the saidis messis, saying it is not lauchfull for him to dilait utheris ; and, it being proponit unto him he haid alredy dilaitit tua or thrie personis and thairfoir sould grant the rest of the personis who wer with him at the saidis messis, he refusit to mak answer thairto."

8th September 1613. Letter from the King ordering the imprisonment of Allaster Macgregor and Duncan VcEanduy.

18. Royal letter, under the sign manual, as follows :—Right trusty and right welbeloved cosen and counsellour, and right trusty and welbeloved counselloris, wee greete yow well.—Understanding that Allester M'Allester M'Gregour is apprehended by the Laird of Graunte, and Duncan Vickeandowy by the Lord Gordon, wee have thought good by these presentes to wille and require yow to sende for the saidis Allester and Duncan, and committe them to safe custodie, suffering none to have accesse unto them, without speciall licence from your selves, til yee shalbe advertised of our farther pleasour concerning them. Which not doubting but with all ex[pedit]ion yee will do, wee bid yow farewell. At our castle of [Wind]sore, the viij^{ht} of September 1613." On the back—"To our right trusty and right welbeloved cosen and counsellour the Earle of Dumfermeline, our Chancellour," &c. (See p. 152.)

Miscellaneous Papers.

19. Order to the macers of the sheriffdoms of Innernes, Tarbet, and Perth to proceed to the service of the briefs proclaimed by Sir Rorie M^cCloid of Dunevagane, knight, for serving him as nearest heir to the late William M^cCloid of Dunnevegane, his father's brother, and other predecessors who died unrelaxed rebels,—said order being on account of the "guid, trew, and thankfull service done to us be the said Sir Rorie M^cCloid, and utheris guid causis and considerationis moving us," despite the said hornings against his predecessors. Given under the Signet, and signed by the Chancellor, Sir T. Hamiltoun, Sir Alexander Hay, and Sir W. Oliphant.—On the back is written: "Apud Edinburgh, xv Julij 1613. Red, past, and allowit in Counsell.—J. Prymrois." 15th September 1613. In favour of Sir Rory MacLeod of Dunvegan.

20. "The Estate of the Yllis."

"The haill Iles ar in a reasounable goode estate and quietnes, except the Lewis and the Ile of Barra. In the Lewis thair is some litle oppositioun maid aganis the Lord of Kintaill by a few remanent of the raice of M^cCleud, who doeth what in thame lyis to interteny and foster a generall rebellioun aganis the Lord of Kintaill; bot thay ar now so waikned and overthrawne be the Clanhenyee that he hes almaist reduceit that ile to obedyence." September 1613. Information by James Primrose, Clerk of the Council, as to the present state of the Isles and Highlands.

The trouble of the Ile of Barra proceidis frome a dissensioun betuix the sones of auld M^cNeill, begottin of twa moderis,—the eldest of the suster of M^cClayne, the youngest of the suster of the Capitane of Clanrannald,—both contending for the prerogative in the birth right. The eldest sone of M^cClayne's suster wes the principall actor in the spoyle of Abell Dynneis ship and slaughter of his men. He wes apprehendit be the Capitane of Clanrannald within the Ile of Barra, and broght to the Tolbuithe of Edinburgh, quhair he endit this lyffe. In revenge quhairof, M^cClayne and M^cNeillis uther sones of the first mariage tooke and apprehendit the bruther of the secund mariage, and send him in to the Tolbuithe of Edinburgh; whair, after he had remanit a lang tyme, and Abell Dynneis agentis and procuratoris being hard aganis him, thair could no thing be verifeit aganis him of that insolence committit aganis Abell Dynneis; wherupoun he was dimittit upoun bail to be answerable. M^cNeillis sones of the first mariage, thinking thair fader better affectit to the sones of the secund mariage nor to thame, hes tane him and keepis him in the irnis. Thay, being chargeit for exhibitioun of him, ar putt to the horne, and commissioun gevin to the Capitane of Clanrannald to persew thame,—thair being no uther who wald undirtak suche a commissioun. Thay ar grite lymmaris, who nevir profest his Majesteis obedience; and this maid the Counsaill to arme the Capitane of Clanrannald aganis thame.

Donald Gorme hes gevin full contentment and satisfactioun to the Exchecquer, bothe for his bigane dewyteis, and for assuirance of his

Majesteis rentis in tyme comeing, and hes gevin band to the Counsaill for his personall compeirance at all tymes. Miscellaneous Papers.

M°Cleud of Hereis and M°Clayne hes gevin the lyke contentment and obedyence; and the Capitane of Clanrannald is inferior to nane of thame in all dewyteis of submissive and humble obedyence to his Majestie.

Sen the deceis of Angus M°Coneill, Sir Ronnald M°Soirle hes possest him self with Ila. The Exchekquer hes suirtie for him in all thingis that apperteyneth. At his first entrie thair wes some jarris betuix him and the cuntrey people, upoun occassioun of some exactionis raised be him upoun thame, and of his purpois and resolutioun, as thay alledgeit, to governe thame be the Irishe lawis. Thay complenit heirupoun to the Counsaill, and gatt letteris dischargeing Sir Ronnald to rais ony new exactionis upoun thame or to bring in ony foreyne lawis or customes amangis thame. Sensyne thair hes bene no thing hard amang thame.

The haill continent adjacent to the Ilis is lykewayes peceable, except Lochquhaber; quhair thair is a grite dissessioun and trouble now arissin amangis the Clanchamroun thame selffis, and proceding upoun this occasioun:—The Erll of Ergyle, at the sighting of his chartour kist, findis some evidentis whairby his umquhile fader, uncle, and utheris his predicessoris wer infeft, retourit, and seasit in a tuentie merk land in Lochquhaber possest be Allane M°Coneill Duy. Having advisit heirupoun with his procuratoris, he uses a wairning aganis Allane for removing fra the landis; and upoun the wairning he intentis ane actioun of removing befoir the Sessioun. Allane, being tuitcheit with this unlookit for proces, come to this burgh to advise with his procuratoris quhat course he sould tak thairin; and, meeting with the Erll of Ergyll, the Erll shew to him that, althoght to his opinioun he had the undoubtit right to the landis, yitt he wes content, for eshewing of contestatioun and proces, that bothe thair rightis sould be judgeit be thair awne procuratoris. Allane yeilding heirunto, and thair procuratoris haveing sene the writtis produceit, thay fand that the Erll had the best right. Whairupoun Allane aggrees with the Erll, and takis ane new right haldin of him. The Marques of Huntlie being informit heirof, and taking offence that Allane sould acknowledge ony superiour within Lochquhaber bot him, he delt with Allane to renunce the securitie he had tane of the Erll of Ergyll, and to tak ane new right and securitie of the same landis fra him. Allane refuisit this conditioun, with mony protestationis that, althoght he held that xx merk land of the Erll of Ergyle, yitt that sould be no prejudice to his obedience and service to the Marques of Huntley, bot that he sould continew als loyall to the house of Huntley as him self and his foirbearis had formarlie bene. This ansuer nowayes contentit the Marques; who, haveing some uther miscontentmentis aganis Allane, resolved altogidder to undo him. And, finding that thair wald be sum difficultie in the executioun of his resolutioun so lang as Allane and his freindis stoode in termes of love and freindschip, he thoght that the nixt expedyent wes to mak some dissensioun amangis thame by

Miscellaneous Papers.

making offer of Allanes haill landis to the speciallis of his freindis. Quhilk offer thay imbraceit; and the Erll of Enyee at his laite being in Lochquhaber possest thame thairintill, alsweill in the landis quhilkis Allane held of the Marques as in the xx merk land quhilk he had tane of the Erll of Ergyll. When the Erll of Enyee left Badyenauch, Allane appointit a meeting and tryist with his freindis; and, seameing to tak no offence aganis thame for taking of his land over his heade, he shew to thame that he undirstoode perfytelie that thay wer induceit thairunto aganis thair willis be the Marques, and thairfoir he desyrit of thame that thay wald gif over thair landis agane to him; and he doubtit not bot shortlie he sould gif unto the Marques satisfactioun. At the first thay maid ane verball promeis; bot, when he urgeit thame with write, thay refuisit, and desirit Allane that he wald go with thame to the Marques, and thay wald reconsile him to the Marques, and then thay sould gif over the land. Allane, lyke ane auld subtile fox, persaving thair drift, and being als cairfull to preserve his heade as thay wer curious to twyne him frome it, he tooke the mater to advysement, pairtit with thame in outward showe of goode termes, and come to this burgh to advise what course he sould follow oute to come be his land agane. Being in this burgh, he gettis advertisment that his freindis had appointit a meeting for resolveing by what meanis thay might haif his lyfe and sua secure thame selffis in the land. Upoun this advertisment he addresis him self home in all haist, sendis prevey wairning to samony of his freindis as had not abandonit him to meete him at ane place appointit; whilk thay did, to the nomber of sax scoir men, that same very day of the meeting of his adverse freindis, and within half a myle to the place of meeting. Allane, when he mett with his company, tauld thame that that day he wald haif his freindis to renunce his landis, or then he wald tak his advantage the best way he might of thame; and for this effect desyrit thame to derne thame selfis in a wode neirby, and that he him self, accompanyit with sax personis allanerlie, wald go agaitward to the place quhair his freindis keept tryist, and desyre thame to send sax of thair nomber to confer with him upoun all materis contravertit betuix thame; and, gif thay aggreit, he bad his company keepe thame quiet; yf thay aggreit not, and that thay intendit ony harme to him, he tauld thame that he sould tak the flight hard by the wode quhair thay lay, and desyrit thame, quhen his enemeyis in the chaise come by the wode, that then thay sould ishe oute and persew thame on thair bakis. According to this appointment, Allane and sax with him in company gois fordwart, and sendis ane of his nomber to his freindis, desiring thame to send sax of thair company to confer with him. Thay persaving Allane so single accompanyed, thinking that he had bot new come in the cuntrey, and that he had no mo company bot the sax that wer with him, thay all brak at him, resolveing then to haif his lyffe. He flees hard by the wode quhair his ambusche lay. Thay follow him that same way with schouteing and shoiting of arrowis; and, when thay ar all by,

the ambusche comes furthe. Allane persaveing, he turnis, and, thay upoun the bak, and he upoun the face, makis ane cruell and bloodie onsett upoun thame, slayis tuentie of the cheif and principallis of thame, takis aucht prisonnaris, and sufferis the rest to eschaip. And then he possessis him self with his haill landis agane,—learneing ane lessone to the rest of his kin who ar alyve in quhat forme thay sall carye thame selffis to thair cheif heirefter.

Of the haill names of Clangregour delyverit in a booke to the Erll of Ergyll, of whome he wes ordanit to gif ane accompt, thair is bot aboute tuentie personis resting upoun, of whome Allaster M^{c}Allaster and Duncane M^{c}Eanduy being the principallis. Allaster M^{c}Allaster is depairtit this lyffe laitlie in the laird of Grantis house; and, Duncane M^{c}Eanduy being in the Erll of Enyees handis, the Counsaill hes writtin to the Erll to exhibite him. The rest of thir M^{c}Gregoris ar bot unworthie, poore, miserable bodyis.

The haill landislordis of the Clangregour are chargeit to compeir befoir the Counsaill the xv day of November, to heir and see his Majesteis resolutioun tuitcheing his proceding aganis the Clangregour heirefter intimat unto thame.

The personis suspect guiltie of the detestable practizes attemptit aganis the laird of Dyn ar in the Erll of Maris handis, and at his comeing frome the Northe ordour wilbe tane for thair examinatioun.

The Laird of Grantis Confessioun. May 1612.—Johnne Grant of Freuchie confest that aboute Martymes 1610 he causit apprehend Robert M^{c}Eane and his sone Duncane and Johnne M^{c}Connochie V^{c}Ean thair, and committit thame to prisone in his place of Ballachastell. The fader and the sone wer execute for thift, and the uther thrid wes spairit, who remanit at libertie with the laird of Grant sax quarteris of ane yeir —to witt to the xv day of Marche last: and deponis that Duncane Menyees wes the first that shew him that the said Johnne M^{c}Connoquhy wes ane M^{c}Gregour ane yeir syne, and knew him at the first apprehension. —Grant fyned in xl^{m}. merkis.

Verificationis aganis the Laird of Grant.—Coline Lausoun at the miln of Ballichastell deponis that he at sindrie tymes sen the prohibite tyme intercommonit with Patrik M^{c}Allaster Pudrache at the kirk of Cromdell, ane myle or thairby fra the Laird of Grantis house, and with Johnne M^{c}Patrik Guy and his boy besyde the kirk of Cromdell in Januair 1612, quha cravit of the deponner ane nightis meale, and the deponner ansuerit that he and his company gatt ouer mony in that cuntrey; and deponis that in November 1610 his maister, the Laird of Grant, directit Duncane Grant, his sone naturall, Johne Grant of Innerrourie, Johnne Grant in Cromdell, James Grant, bruther to the goodeman of Cromdell, with tuentie or threttie of the men of Strathdone, to apprehend Robert M^{c}Eane and his sone Duncane, and Johnne M^{c}Connoquhy V^{c}Ean Chair M^{c}Gregour; quho apprehendit thame in Strathdone, brocht thame to the Laird of Grantis place of Ballachastell, and committit thame to prisone; and wer

Miscellaneous Papers.

kept thair aucht dayis. The fader and the sone wer execute, and the thrid, callit Johnne M^cConnochie, wes spairit be the Laird of Grant, and putt to libertie, and remanit ane yeir in the lairdis company thairefter. Forder confest that he intercommonit with Robert M^cConnoquhy Abroche in his barne, and with Patrik M^cAllaster Pudrache at sindrie tymes, seeing he wes ane cuntreyman. Deponis forder that, quhen the Marques of Huntlee and Erll of Mar wer in Ballichastell in September 1611, Robert M^cConnoquhy Abroche and some company with him wer ressett in the barne pertening to M^cRobie Cleriche, within a flight schoit to the Laird of Grantis place of Ballichastell, and the said Robert had conference with ony man he pleasit. Deponis that Allaster M^cAllaster M^cGregour his wyffe remanit and duelt continuallie in Cromdell, whilk is the Laird of Grantis clachan toun within ane myle to his place of Ballachastell, and that the said Allaster resortit at all tymes unto hir unchallangeit or persewit be ony personis.

Robert Grant, bruther to the Laird of Grant, confest that he at divers tymes mett, spak, and intercommonit with Johnne M^cConnochie V^cEan Chair M^cGregour, and that he wes in actuall residence with the Laird of Grant, his bruther, quhill the hinder end of Februair 1612, and, as the deponner belevis, he is presentlie in service with him."

Houses in the Isles.

21. [The following undated document is found beside the above "Information." It may or may not be a jotting contemporary with the preceding: its contents have, however, some bearing on the material reproduced from the *Book of the Isles* in this volume.

"Thair is of yles abone tuay hundreth, whairof thair is fiftie inhabited.

Of stane houses in the Sky thair is fyve, to wit:—Duntilloun in Trouternes, being ane pairt of the Sky possessed by Donald Gorme without richt; Dunvaigen in the Sky, perteaning to Macloyde in Hairish; Donnakine, perteaning to Makenon in the Sky; Dunruissil, perteaning also to Makinon; Caymes in Slait, perteaning to Donald Gorme; Duniskaith in Slait, perteaning to Donald Gorme.

The house of Stornowa in the Lewis is fallin, albeit it had biddin the canon be the Erle of Argyle of auld, and be the Gentilmen Ventourares of lait.

Ane castell in Barra perteaning to Makneill of Barra, callit Caisillum, and cannot be dung bot be sea.

Strenthis in the West Isles.—

In Ila ane house callit [Dunevaig], perteaning to Makconeill; Lochgurmont, perteaning also to him, situat within ane loch, and usurped be Makcleane.

In Mull, the castell of Dowart, perteaning to Makcleane; the castell of Lochbowie, perteaning to Makcleane of Lochbowie; the castell of Aros, perteaning to Makcleane of Dowart.

Cole, ane castell perteaning to Makcleane of Cole."]

19th October 1613. Royal Letter anent John and Donald Calder and their resetters.

22. Royal letter, under the sign manual, as follows:—Right trusty and right welbeloved cosen and counsellour, and right trusty and welbeloved counselloris, wee greete yow well.—Having sufficientlie understood of the barbarous and cruell misdemeanour of John and Donalde Calders, and of the good order by yow taken with so manie of their associates as have bene presented before yow, wee have thought good by these presentes to give yow most hearty thankes for doing of so exemplarie justice. And, because it is impossible for any of that kinde of people to subsiste, or any time to stande oute fugitive from our lawes, withoute the speciall favour or tolerance of some landlord in the cuntrie, wee have thought good hereby most earnestlie to recommende unto yow the diligent tryall and search not only of the receavers and abbettoris of the aforenamed Calders, but also of all other malefactoris. Willing yow to cause such (in whose boundes their principall retreate and receipte shalbe proved to be by connivence of the owners) be aunswerable for them in all time comeing, and assuring yow that wee esteeme no otherwise of the receavers of these malefactoris then of the abetters of the Macgregoris, wee bid yow farewell. At Hinchingbroke, the 19th of October 1613." *On the back,*—"To our right trusty and right welbeloved cosen and counsellour, the Earle of Dumfermeline, our Chauncellour," &c. (*Ante* p. 201.)

22nd October 1613. "Copie of the Kingis missive direct to the Counsell in favour of Sir Hary Lyndsay, quhairof James Prymrois keipis the principall."—J. P.

23. "Right trustie and richt weilbeloved cosen and counsallour, and trustie and weilbelovit counsallouris, we grite yow weill.—Whereas Sir Harye Lindsay of Carrestoun, as cautionair and souirtie for the Erll of Craufurd, hath incurrit divers penulties and forfeyted divers sowmes of money by the said Erll his contraventioun, we are weill pleasit, alswele in respect of the good service done to us by the said Sir Henrie as for uther respectis moveing us, to frie and exoner him of the said penaltyes als frelie as gif thay had nevir bene incurrit. And, forasmuche as the said Erll of Craufurd since his enlairgement oute of waird haith not onlie undewtifullie and unthankfullie behaved him selff towardis the said Sir Henrie notwithstanding his cautionarie foirsaid, bot lykwyse hes divers tymes threatned gif he could to tak his lyf, so as the said Sir Henrie with verie good reasoun refuiseth ony longer to be cautionair for his good behaviour in tyme comeing, it is oure pleasoure that ye call the said Erll before yow and cause him find new cautioun for his good behaviour heirafter; whiche gif he ather refuise or can not do, that then ye provide for the keiping of oure peace by committing him to saulf custodie til he gif you satisfactioun in that poynte. Whiche recommending to youre speciall cair, we bid you fairwele. At Roystoun, the xxij of October 1613. *Sic suprascribitur* JAMES R."

27th October 1613. Sir Andrew Ker.

24. Original of royal letter under the sign manual anent Sir Andro Karr of Oxinhame, referred to *ante* p. 171.

Miscellaneous Papers.

11th January 1614. Charge to the Earl of Caithness, his son Lord Berridale, and others, to appear and answer to complaints by the King's Advocate and Lord Forbes: with appended notes on the business.

25. Charge to the King's messengers to summon George, Earl of Caithnes, Williame, Lord of Berridaill, James Sincleir of Murchill, Johne Sincleir of Ratter, Williame Sincleir, apparent of May, Henry Sinclair of Borroustoun, James Sinclair in Boirlune, Thomas Sinclair in Scrabster, Johnne Gariauche, Neill Finla Begsoun, Johnne Patoun, McWatt, James Davidsoun, called "the climmer," William Sinclair and McKinkatanach, servants of the said Earl and his son, to appear before the Lords of Privy Council on 23rd June next, to answer to the following complaint:—The King's Advocate, and Arthour, Lord Forbes, for himself and as master of Johnne Leslie in the Inmure of Dunbaith, assert that the above mentioned persons went to the lands of Dunbaith, and put violent hands on the said tenant of Lord Forbes, carried him prisoner to the town of Weik, and kept him in the "steple" there for the space of eight days. They would not put him to liberty till he consented to sundry unreasonable demands proposed by the Earl of Caithnes. Also, the said persons almost monthly, from January 1613 to the present time, have gone to the lands of Dunbaith "and linkis thairof" armed with hacquebuts and pistollets, and have shot the deer and roe thereon "at the cunningis within the links", and made "great spoil of venison." Upon 4th and 10th May last, the said William Sincler, James Davidsone, and Makincatanach went to the lands of Dunbaith and Sandsyd, and took away two falcon nests belonging to the said Lord Forbes. And, in the months of September and October last, the Earl of Caithnes convened the tenants of the said Lord in the town of Wick. [Here follows the complaint given, *ante*, p. 197.]—Signed J. Prymrois.—In the margin is written as follows:—"*xxiij Junij 1614:* Persewaris, with the Erll of Caithnes, personalie callit, and continewit to the 28 of this instant.—*28 Junij 1614:* Pairtyis personalie callit, and continewit to the last of this instant.—*Ultimo Junij 1614* (*ante*, p. 249): Compeirit the Erll of Caithnes personalie; who declairit that he wald answer for the personis chargit; alledgit be the Erll of Caithnes, for the first poynte anent the seiking of the man, that he tooke him for obedyence of letteris of captioun execute aganis him at the instance of .[1] Assignis the 28 of Julij for productioun of the letteris of captioun."

Edinburgh, 27th January 1614. Instructions to George Foullis, the King's Master Cunyeour, as to the coining of a certain quantity of copper into twopenny pieces.

26. "Forsamekle as, the Kingis Majestie, with advise of the Lordis of his Secreit Counsaill, haveing thoght meete and expedyent that ane certane quantitie of copper unmixt with ony other mettall salbe coyned in this kingdome in twa penny peeceis, quhairthrow the poore ones who ar prejudgeit of the cheritie and almous of the people be ressoun of the grite scairstie of small money may be supportit and relevit; and his Majestie and the saidis Lordis haveing a speedie cair and regaird that this copper coyne salbe wroght in such a forme, maner, and proportioun as no commoditie nor gayne may be maid upoun the counterfuteing

[1] The reading here seems to be "Beyter in Dundee." The first syllable of Dundee is deleted.

Miscellaneous Papers.

thairof; and to the effect thay may the more cleirlie understand how this turne may be done: his Majestie and the saidis Lordis commandis and ordanis George Foullis, his Majesteis maister cunyeour, to buy stane weght of auld copper at suche a moderat and reasounable raite and pryce as possiblie he can, and to caus the same be meltit, forgeit, and wroght in a miln, and struckin in tua penny peeceis after the forme, proportioun, weght, impressioun, and circumscriptioun following,—that is to say, lxxxxvj of the saidis peeceis to be in the mark weght, with tua of the saidis peeceis of remeid of weght alsweele havye as light upoun the mark weght thairof, the saidis peeceis haveing on the ane syde his Majesteis face, with this circumscriptioun IACOBUS · DEI · GRA · MAG · BRIT ✠, and on the other syide haveing ane crowned lyoun, with the circumscriptioun FRANCIÆ ET HIBERNIÆ REX; and ordanes the sinkair of his Majesteis irnis to caus sink the irnis for prenting of the saidis tua penny peeceis; and, the same peeceis being prentit and wroght, that the said maister cunyeour gif unto his Majestie and Counsell ane trew, perfyte, and exact compt of the haill chairgeis and expensis bestowit upoun the buying, workeing, and prenting of the said copper, to the effect the saidis Lordis upoun consideratioun thairof may the more cleirlie and perfytelie tak ordour and gif directioun for the workeing and coyneing of the haill quantitie of copper quhilk salbe thoght meete to be coyned."—Signed: AL. Cancellarius; BINNING; GLASGOW; JO. PRESTOUN; SIR G. MURRAY; SIR ALEX^R. HAY.

27th January 1614.

Petition by the Provost and Bailies of Dumbarton respecting £250 due to their burgh out of the taxation of the Earldom and Bishopric of Orkney.

27. "My Lordis of Secreit Counsaill,—Unto your Lordschipis humelie menis and shewis we your servitouris the provest and baillies of Dunbartane, that quhair of that taxatioun grantit be the Esteatis of Parliament for the supporte of our towne thair is restand awand to us the taxatioun of the erldome and bischoprik of Orknay, extending to tua hundreth and xij ℔b., quhairof we could gett no payment, in respect of the warding of the Erll of Orknay, who wes schireff of the cuntrey, and who sould haif collectit the same; and now, the chairge of that cuntrey being committit to Sir James Steuart of Killeith, and we having delt with him to collect the said soume and to mak payment thairof to us, he on nawayes will do the same, seeing that taxatioun fell not within the tyme of his office, without your Lordschipis command, warrand, and commissioun: Theirfoir we beseeke your Lordschipis to gif warrand and commissioun to the said Sir James and his deputis of the schirefdome of Orknay to collect and ingadder the said taxatioun, and to mak payment thairof unto us. And your Lordschipis, &c."—Indorsed: "Apud Edinburgh, xxvij January 1614. *Fiat ut petitur.* AL. Cancellarius," and signed "J. PRYMROIS."

Edinburgh, 15th February 1614.

Further order respecting the

28. The following is the text of the act referred to *ante* p. 209:—"Forsamekle as the Kingis Majestie, with advise of the Lordis of his Secreit Counsell, hes thoght meete and expedyent that thair salbe ane certane quantitie of copper, unmixt with ony other kynd of mettall, wroght and

Miscellaneous Papers.

forgeit in ane miln, and cuttit in ane cutter, and be the said miln and cutter maid reddy to the prenting in twa penny peeceis after the accustumat forme of his Majesteis cunyeehous, with pyle and tursell, whairthrow the same be not counterfute, for making of exchange and releif of the indigence and miserie of the poore, ilk peece of the saidis tua penny peeceis weyand tua deneir, quhairof fourescoir and saxtene of the saidis peeceis to be in the mark weght, with tua of the saidis peeceis of remeid of weght alsweele havye as light on the mark weght thairof, having on the ane syde three thrissillis on ane stalk, with ane thrissill leaf on ilk syde, all within the inner ring, with this circomescriptioun, JACOBUS · DEI · GRA · MAG · BRIT, and ane litle thrissill at the heade of the circomescriptioun, and on the other syde ane lyoun crownit, all within the inner ring, with this circomescriptioun, FRANCIÆ ET HIBERNIÆ REX, and with a litle thrissill at the heade of the circomescriptioun: Thairfoir his Majestie, with advise of the saidis Lordis, ordanis and commandis the sinkair of his Majesteis irnis to mak and forme matriceis for sinking of pyllis and tursallis for prenting of the saidis tua penny peeceis after the forme, impressioun, and circomescriptioun foirsaid; for doing whairof thir presentis salbe unto the said sinkair ane sufficient warrand." —Signed AL. Cancellarius; BINNING; CATHNES; SIR ALEXANDER HAY; SIR G. MURRAY. coining of the copper two-penny pieces.

29. "Forsamekle as the Kingis Majestie, with advise of the Lordis of his Secreit Counsell, hes thoght meete and expedyent that ane certane quantitie of copper unmixt with ony uther mettall salbe coyned in this kingdome in tua penny peeceis, whairthrow the poore ones, who ar prejudgeit of the cheritie and almous of the people be ressoun of the grite scairstie of small money, maybe supportit and relevit, and that the saidis peeceis salbe meltit, forgeit, and wroght in a miln, and struckin in tua penny peeceis after the forme, proportioun, weght, impressioun, and circomescriptioun following:—that is to say, lxxxxvj of the saidis peeceis to be in the mark weght with tua of the saidis peeceis of remeid of weght alswele havy as light upoun the mark weyght thairof, the saidis peeceis haveing on the ane syde three thrissillis, with this circomescriptioun, JACOBUS · DEI · GRATIA · MAG · BRIT, and on the other syde haveing ane crowned lyoun with this circomescriptioun, FRANCLÆ · ET · HIBERNLÆ · REX: Thairfoir his Majestie, with advise of the saidis Lordis, ordanis and commandis the sinkair of his Majesteis irnis to caus mak and sink the irnis for prenting of the saidis tua penny peeceis after the forme, impressioun, and circomescriptioun foirsaid; for doing whairof the extract of thir presentis salbe unto the said sinkair ane sufficient warrand."—Signed: AL. Cancellarius; BINNING; JO. PRESTOUN; SIR W. OLIPHANT; J. COKBURNE; SIR ALEXANDER HAY; SIR A. DRUMMOND; SIR ROBERT MELVILL. Edinburgh, 15th February 1614. Additional order in the same business.

30. Extract of the preceding act, with this addendum:—"Extractum de Edinburgh, 15th February 1614.

Extract of the last Act.

libris actorum Secreti Consilii S. D. N. Regis per me, Jacobum Prymrois, clericum Consilii, sub meis signo et subscriptione manualibus."—Signed JACOBUS PRYMROIS. Miscellaneous Papers.

14th May 1614. Certificate by messenger of the execution of the charge against the Earl of Caithness and Lord Berridale in the matter of the complaint of Lord Forbes.

31. Execution of charge by William Cuik, messenger, in virtue of letters raised at the instance of Arthour, Lord Forbes, against George, Earl of Caithnes, and William, Lord Sinclair of Berridaill, to appear before the Council upon 23rd June (*ante*, p. 823). Executed at their dwelling house called Castle Sinclair in Caithnes, where, "efter that I had knockit sax severall knokis att the principall yett of the said thair dwelling plaice, thair I affixt ane autentick coppie of the within writtine letteris upone the maist patent yeitt of thair said dwelling place, becaus I could not apprehend them personallie."—James Eirving, George Gowane, William Baine, James Greinne (?), porter, all servants of Lord Caithnes, and James Gutherie and Gilbert Drimis, servitors to Lord Forbes, witnesses.—Signed and sealed by William Cuik, messenger.

Edinburgh, 26th May 1614. In the matter of counter-complaint by Lord Berridale against Lord Forbes.

32. Charge to Johnne Pattoun, messenger, to summon Lord Forbes, and Johnne Mitchell, Duncane Forbes, William Walker, James Man, Johne Garreoch, Robert Mudy, David Man, Williame Cooke, messenger, his tenants, to appear before the Council on 7th July next, to answer to the following charge, raised at the instance of the Lord Advocate, and Robert Keyth, servitor to William, Lord Sincler of Berridaill:—On a day in May instant, the said tenants, armed, and carrying hacquebuts and pistollets, went by the said Lord Forbes's order to the lands of Berridaill and attacked the said Robert Keyth. They chased him a great space, and would undoubtedly have slain him, but for his "speid of foote." The said messenger is also to summon these witnesses:—Johne Abernethy in Dunbethe, Sande M°Inroy there, William Angussoun in Leodabister, Johnne Allester Robsoun there, Angus Edmesoun there. Given under the Signet, and signed JA: PRYMROIS.—On the margin,—"*Septimo Julij 1614.* The Advocat, personalie, Robert Keith compeirand be William Sinclair, his procurator, Williame Cooke, personalie, to whose aithe of veritie the libell wes referrit, quho being sworne denyis: assoilzies. Grantis that Robert Mudie had a hagbute. The Lord Forbes actit him self to enter Johnne Mitchell, Duncane Forbes, Johne Garioche, and Robert Mudye the last Counsell day of August."—"*Secundo Martij 1615.* The Lord Forbes personalie, who exhibite his men."

6th June 1614. Certificate of execution of charge to certain persons to appear as witnesses in the case of Lord Forbes

33. (*a*) Execution of charge at the instance of the Lord Advocate and Arthour, Lord Forbes, against Johnne Sinclair of Ratter, Walter Mowett in Weik, William Tyssone there, George Gowane in Latherroune Feuill, and William Tyssone in Latherroune Fouyill, to appear as witnesses before the Lords of Privy Council in the Tolbooth of Edinburgh on 23rd June.—Johne Pattoune, messenger, James Milne and Gilbert Drimis, servitors

Miscellaneous Papers.

to Lord Forbes, and James Doull, joiner in Weik, witnesses. Subscribed and sealed by William Cuik, messenger. against the Earl of Caithness.

(*b*) Execution of charge at the instance of the Lord Advocate, and Arthour, Lord Forbes, against James Doull in Weik, and Thomas Doull, bailie there, to appear as witnesses before the Lords of Council in the Tolbooth of Edinburgh on 23rd June. Johnne Pattoune, messenger, James Doull, younger, in Weik, James Mylne, and Gilbert Drinnis, servitors to Lord Forbes, witnesses. Signed and sealed by William Cuik, messenger. 7th June 1614. Certificate of the execution of a charge against witnesses in the case between Lord Forbes and the Earl of Caithness.

34. Royal Letter under the sign manual to the Chancellor and Council, as follows:—"Right trusty and right welbeloved cosen and counsellour, and right trusty and welbeloved counselloris, wee greete yow well.—Forasmuch as the Byshoppe of Orkney, being employed in oure service for reduction of the Iles of Orkney and Zetlande to our better obedience, hath not onlie sufficientlie performed the same, but, further to testifie his affection to our said service, hath receaved divers thinges which perteyned to the late Earle, whiche (together with some other thinges founde in the houses) having still in his custodie forthcoming to our use, he desireth may be taken of his hande, it is therefor our pleasour that yee appointe some sufficient person to receave the said thinges frome him, and give him a discharge of his intromission and an exoneration of his aforesaid service. Which not doubting but yee will sufficientlie see performed, wee bid yow farewell. At our mannour of Grenewich, the 7th of June 1614." 7th June 1614. Royal Letter instructing the Council to receive from the Bishop of Orkney certain things in his possession which belonged to the Earl of Orkney.

35. Royal letter, under the sign manual, to the Chancellor and Council, as follows:—"Right trusty and right welbeloved cosen and counsellour, and right trusty and welbeloved counselloris, wee greete yow well.—Whereas controversie arose betwixte our Deputy Treasorer and the Byshoppe of Orkney concerning the valew of some landes in Orkney, it is our pleasour that yee cause eache of the partyes severallie sette doune his valuation of the said land and the reasonis moving him thereunto under his hand, and the same to be sente to us with all convenient expeditio[un], to the ende that wee may give such further order in that mater as wee shall thinke fitte. And, herein expecting your diligence, wee bid you farewell. At our mannour of Greenewich, the 7th of June 1614." 7th June 1614. Royal Letter anent a dispute between the Treasurer Depute and the Bishop of Orkney.

36. Royal letter, under the sign manual, to the Chancellor and Council, as follows:—"Richt trustye and right weillbelovit cousing and counsalour, and uthairis our trustye and weilbelovit counsaloures, we greit yow weill. Understanding that Andro Hart, printer, burges of our burgh of Edinburgh, hes be his honest travellis and adventuring of his haill moyane and credite advancet the airt of printing to a gritter perfectione than anye otheris . . . . within that our kingdome, for the benefeit Theobalds, 16th June 1614. Royal Letter ordering the passing of a gift of privilege in favour of Andro Hart,

the Edinburgh printer and bookseller.

of our lieges, help of the scooles, and furtherance of learnyng within the samin, quhairupoun we haif granted to the said Andro our gift and privilege of printing, for his better encowragement to go fordward and prosequute this his foirsaid honest resolutioune so consonant to reassone and equitye, whairfoir it is our will that, efter the syght heirof, ye subscrive and caus pas and exped the said Androis gift and privilege foirsaid without onye delay or impediment. And sua, remitting this to your cair, we bid yow fairweill. Frome our court at Theobaldis, this xvj of Junij 1614" (see *ante*, p. 252).

Oatlands, 5th July 1614.

Royal Letter anent complaints against Lord Scone by the wife of Andrew Henderson.

37. Royal letter, under the sign manual, to the Chancellor and Council, as follows:—"Richt trusty and right welbeloved cosen and counsellour, and right trusty and welbeloved counselloris, wee greete yow well.—The wife of Andrew Henryson hath presented unto us divers petitionis complayning of the Lord of Scone, which, as they are thought to have proceded onlie frome the malice of her husband, so the said Lord Scone most constantlie affirmeth all her enformationis against him to be for the moste parte false. And, because we are loth to admitte any sinister enformation against any our counselloris or olde servantes, much les to condemne them unheard, and understanding that all materis questionable betwixte the said Lord Scone and Henrysone were formearlie submitted to the arbitriment of indifferent frendes, wee have thought good by [thes]e presentes to wille and require yow, aswell by the partyes them selves, as also by those to whome the mater was submitted, sufficientlie to enforme your selves of all materis controverted betwixte them, and, according as yee shall finde the same to be, that yee particularelie advertise us. Which not doubting but yee will accordinglie performe, wee bid yow farewell. At our mannour of Otelandes, the fifth of Julie 1614."

Edinburgh, 6th July 1614.

Charge for the appearance of Robert Keith, servant to Lord Berridale.

38. Charge to William Cuik, messenger, to summon Robert Keyth, servitor to William, Lord Berridaill, to appear before the Council on 2nd March [1615], to answer the following charge raised at the instance of the Lord Advocate. In May last, and in each month of the year 1613, and in the months of January, February, March, April, and June last, and in July instant, on almost every day of the said months, the said Robert has publicly worn hacquebuts and pistolets. He "rydis and gangis" with them, and uses the same "for his particuler revenge upoun all sic personis aganis whome he beiris querrell."—Given under the Signet, and signed JA: PRYMROIS.

Edinburgh, 26th July 1614.

Adjournment of the case between the Earl of Caithness and Lord Forbes.

39. Extract of Act continuing all actions between the Earl of Caithnes and Lord Forbes till the first Council day of March next (*ante*, p. 256).—Signed JACOBUS PRYMROIS.

40. Commission to the Marquis of Hammiltoun for the trial of

Miscellaneous Papers.

certain criminals, as *ante* p. 265.—Signed AL: Cancellarius; ARGYLE; LINLYTGOW. Edinburgh, 24th August 1614.

Marquis of Hamilton. 6th January 1615. Report of conference of certain ministers with Robert Stewart, son of the Earl of Orkney, after his sentence, and of his confession of his offences, and his behaviour on the scaffold.

41. "Robert Steuart, base sone to Patrik, Erll of Orknay, being arreyned upoun the fyft of this instant befoir his Majesteis Justice for the treasounable rebellioun rased be him and his complices pannallit with him, and dome and sentence being pronunceit aganis thame to suffer deathe the morne thairefter, the saxt of this instant, at tua of the cloke in the afternoone, thay, upoun the said saxt day, afoir thay wer broght to the place of executioun, desirit conference of some of the ministerie of Edinburgh. Wherupoun Maisteris Walter Balcanquell, Peter Hewatt, Andro Ramsay, and Mr. Williame Strutheris, ministeris at Edinburgh, Mr. Henry Blyithe, minister at the Cannogait, Mr. Richard Diksoun, minister at Sanct Cuthbertis Kirk, Mr. Charlis Lummisden, minister at Dudingstoun, and Mr. Johnne Adamesoun, minister at Libertoun, convenit and mett with thame in the Laiche Counsalhous of Edinburgh. Befoir whome the said Robert Steuart and the rest who wer pannallit with him confest and acknowlegeit:—first, generallie, that thair awne secreit synes aganis the Majestie of God had drawne upoun thame the guylt of thir other crymes for whilkis they wer now to suffer deathe. And, thay being particularlie demandit upoun that poynte quhairupoun thay wer convict, and what thay thoght of the sentence pronunced aganis thame, the said Robert planelie, with grite remorse and greif, acknowlegeit and confest that he had verie heichlie offendit God and the Kingis Majestie his Soverane Lord and King by that rebellioun quhairunto innocentlie he wes induceit and drawne, in so far as, God haveing appointe kingis, magistratis, and reularis to be reverenceit and obeyit be all personis under thame, and that in conscience subjectis ar bundin in all dewyteis of obedyence to thair superioris, he confest that, seing he had offendit in that poynte aganis his Majestie, whome in dewytie and conscience befoir God he aucht to haif obeyit, that he acknowlegeit the sentence pronunceit aganis him to be lauchfullie, worthelie, and ordourlie pronunceit, and he humelie craved God and his Majestie forgifnes; and he declairit that at the place of executioun he wald mak the lyke declaratioun to the people, and admonishe and advise thame by the example of his punishement to be war of all attemptis, rebellionis, and interpriseis prejuditiall to his Majesteis honnour and estate. And, the rest of the said Robert his compliceis being demandit upoun thir same poyntis layed to his charge, thay all acquiesceit and consentit to his speeches and declaratioun, affermeing constantlie that justlie thay wer to undirgo this punishement for offending thair gratious Soverane Lord [King?] and Lord, whome the law of God had ordanit thame to obey.—And, the personis foirsaidis being broght to the place of executioun at the mercat croce of Edinburgh, the said Robert at the foure neukis of the scaffold reiterat and renewit the speecheis utterit be him in the Counsalhous, and very eirnistlie intreated the haill people

Miscellaneous Papers.

who wer present to tak example by him and to forbeir all occasionis quhairby thay may offend God, and specialie to be war of all attemptis and interprises aganis his Majestie, whome the lawis of God and nature maid thame to reverence and obey as thair Soverane King and Lord; and the rest of his compliceis, who accompanyed him at all the neukis of the scaffold, acquiesceit to his speecheis. And, the said Robert being demandit upoun the scaffold be the said Mr. Petir Hewatt, in presence of the said Mr. Walter Balcanquell, be whome he wes induceit to this rebellioun, he publictlie confest and declairit that his fader wes the intysair and induceair of him, and that no uther persone in the warld could haif induceit him to this rebellioun" (*ante*, p. 297, footnote).

14th January 1615. Certificates of execution of charge against Robert Keith.

42. Executions of summonses, signed and sealed by William Cuik, messenger:—(*a*) Against Robert Keithe, servitor to Lord Berridaill, at the said Lord's house in Therso, raised at the instance of the Lord Advocate on 6th July last, to appear before the Council on 2nd March next to answer the charge of wearing hagbuts and pistollets.—Andrew Sinclair, brother of Thomas Sinclair, officer to Lord Caithnes, Johne Wischart, gardener and indweller in Therso, and Hucheoun Urquhart, servitor to James Forbes, brother of Johne Forbes, goodman of Feichlie, witnesses. (*b*) Against the said Robert Kaithe at the Market Cross of Therso, in the same business.—Gilbert Duncan, cooper and indweller in Therso, and the said Johne Wischart and Hucheoun Urquhart, witnesses.

25th January 1615. Certificate of the execution of other charges in the same case of the Earl of Caithness and Lord Forbes.

43. (*a*) Execution of summons, signed and sealed by William Cuik, messenger, against Alester Davidsoune in the Bray of Moir, personally, and against Walter Andro Morisoun in Berridaill, at his house there, Johnne M'Colchaltanich, called "the climmer," in Berridaill, at his house there, to appear as witnesses before the Council in the action of the Lord Advocate against Robert Keyth (see p. 823).—Johne Andersoune and William M'Alester, servitors to Lord Forbes, witnesses.

26th January 1615. Similar certificate in the same case.

(*b*) Execution of summons, signed and sealed by William Cuik, messenger, against Andro Rotter in Knokynney, Donald William Hendersoun in Auchnagauld, Williame Aysoune in Smerovell, personally, and against Johne Sutherland in Latheroun Fuile, at his house there, and Alester Baird in Knokynen, at his house there, to appear before the Council as above.—William Sutherland *alias* Reid in Achabraill, Hucheoun Smyth there, and William Sutherland, servitor to David Dowsoun there, witnesses.

16th February 1615. Another similar certificate.

(*c*)[1] Execution of summons, raised at the instance of the Lord Advocate on 6th July last, signed and sealed by William Cuik, messenger, against Robert Kaithe, servitor to Lord Berridaill, "now presentlie with my lord Gray," at the said Lord Gray's dwelling house of Fouillis in Angus, "quhair his wyf, bairnis, and servandis maid residence for that tyme," to appear before the Council on 2nd March next to answer the

[1] This entry is on the same sheet of paper as 42 (*a*) and 42 (*b*).

Miscellaneous Papers.

charge of wearing hagbuts and pistollets.—William Symsone, indweller in Dundie, Patrik Gray, and William Gray, porter, both servitors to Lord Gray, and William Lekky, servitoi there, witnesses.

44. Licence to James, Earl of Glencarne, "and suche personis as salbe present with him for the tyme," to eat flesh during this forbidden time of Lent (*ante*, p. 304).—Signed AL.: Cancellarius; BINNING; SIR G. MURRAY.

Edinburgh, 23rd February 1615.

Licence to the Earl of Glencairn to eat meat in Lent.

45. "The Lordis of Secreit Counsaill, for ressonable causis moving thame, hes gevin and grantit, and be thir presentis gevis and grantis, licence and libertie to Mr. Johnne Scott of Scottistarvatt, Directour of his Majestëis Chancellarie, and to Mr. William Drummond of Hathorndaill, to eatt fleshe at all tymes quhen they sall think expedient during this forbiddin tyme of Lentroun, fra the xxj day of Februer lastbipast to the feist of Pasche nixttocum; in doing quhairof the saidis Lordis decernis and declaris that thay nor nane of thame sall not be callit, persewit, troublit, nor accusit criminallie nor civilie for the samin, nor sall incur na skaith, pane, perrell, nor danger thairthrow in thair personis, landis, nor guidis,—notwithstanding quhatsumevir actis of Parliament, Secreit Counsall, or proclamationis maid in the contrer. Quhairanent and all panes contenit thairintill the saidis Lordis dispensis be thir presentis. Gevin at Edinburgh, the secund day of Merche the yeir of God j^{m}vj^{c} and fyftene yeiris."—Signed AL. Cancellarius; BINNING; JO. PRESTOUN; SIR ALEX^{R}. HAY; SIR A. DRUMMOND; SIR G. MURRAY.[1]

Edinburgh, 2nd March 1615.

Licence to Mr John Scot of Scotstarvet and Mr William Drummond of Hawthornden to eat meat during Lent.

46. Acknowledgment of receipt of 130 merks from James Prymrois,

[1] Drummond, who had been Laird of Hawthornden since 1610, and who was already well known round about Edinburgh as a poet and man of letters (though his sole actually printed performance as yet was his *Teares on the Death of Moeliades*, published early in 1613 from Andrew Hart's shop in the High Street), was just over twenty nine years of age at the date of this entry. The Mr. John Scot, here so singularly associated with him, was his brother-in-law, and almost exactly of the same age. He was a member of the Scottish Bar, and had held since 1608, by a kind of inheritance from his grandfather, the lucrative legal office of Director of Chancery. It was about the same time—*i.e.*, while Sir John Drummond of Hawthornden, one of the King's gentlemen-ushers, was still alive, and while the future poet was not yet laird, but only a law-student and laird-expectant—that Scot had married one of the poet's sisters. The two brothers-in-law, thus intimate already, were to be closely connected, and much in each other's company, through all the rest of Drummond's life,—the rather because of their strong common interest in the Scottish Muses, though Scot favoured more the Latin as the fit tongue for these Muses, and Drummond more the English. One of the points of interest in the present entry is that it designates Scot—heretofore heard of as "Laird of Knightspottie"—by his now more familiar territorial title of "Scotstarvet." He had acquired the lands of Tarvet in Fifeshire in 1611; and the name "Scotstarvet" was a combination of his own surname with the old designation of the barony. Knighted in 1617, he was to be known thenceforth as "Sir John Scot of Scotstarvet"; but as yet he was but "Mr. John Scot," just as his brother-in-law was "Mr. William Drummond." In further connexion with the present entry, it may be noted that this very year, 1615, was the time, so far as can be ascertained, of Drummond's ecstatic wooing of that beautiful young lady, one of the family of the Cunninghams of Barns, whose death shortly afterwards, when the marriage had been arranged, plunged Drum-

Edinburgh, 14th June 1615.

Acquittance to James Primrose, Clerk of Council, for money received.

Clerk of Council, in whose hands that sum had been placed by Johnne Andersone, subscriber's brother, as a fine imposed by the Council for hurting and wounding subscriber. Witness: Laurence Keir, servitor to the said James Prymrois.—Signed: WILLIAME ANDERSONE; LAURENCE KEIR.

Whitehall, 1st July 1615.

Royal Letter referring to the Council an application from Sir William Seyton for the superintendentship of the postal service within Scotland.

47. Royal Letter, under the sign manual and signet, as follows.—"Right trusty and weilbeloved cosen and counsellour, trusty and weilbeloved counselloures, we greet yow weel.—Whereas we are informed by Sir William Seyton, knight, concerning a project which he hath conceaved with intention to do service to us and good to that our kingdome by establishing at the most convenient places thereof throughout it all post horses and horses of relaie, such as are used in France, at reasonable rates, both for the furtherance of speedie dispatches and for the ease of ordinarie travellers; and, if this course be thought expedient and tak effect, he is desirous of an yearlie fee for himself as Master of the Postes for his service therein; but, deferring to determine anie thing in this till yow were acquainted therewith: we are willing, haveing conferred with the said Sir William theranent, that yow considder first if it be necessar at all, and then the maner how it may be done without grieving our subjectes; with your opinion what fee should yearlie be assigned therunto. Therafter, being certified bak of your resolution heerin, we will declare our pleasure. Thus we bid yow hartlie farewell. At our Court at Whitehall, the first day of Julij 1615." (*See next page.*)

Edinburgh, 15th July 1615.

Charges for the appearance of the Earl of Perth and Lord Livingston in the matter of their dispute: with relative notes in the case.

48. Charge to a King's messenger to summon the Earl of Perth and Lord Levingstoun to appear on 25th July, anent the dispute referred to *ante*, p. 362. Given under the Signet, and signed "JA. PRYMROIS."

On the margin—*25 Julij 1615.*—Continewit to the first Counsall day of October (*ante*, p. 371). *Quinto Decembris 1615.*—Callit and continewit to the xvj day of Januair; and the Maister of Elphinstoun, being present and consenting heirto in name of bothe pairtyis, is warnit *apud acta.*

On the back—(*a*) Execution of above on 16th July 1615 against Alexander, Lord Levingstoun, at his dwelling place of the Palace of Linlytgow, "quhair he, his wyff, and famellie wais present within, and duelt and remanit for the tyme," ordering him to appear before the Council, and in the meantime to keep quietness in the country, under the pain of 10,000 merks.—Alexander Monro, post in Edinburgh, and James Inglis, porter to the Earll of Linlytgow, witnesses. (*b*) Similar execution for the same purpose on 17th July 1615 against Johne, Earl of

mond into the long and gloomy melancholy to which a series of his later poems gives such fine expression. New Barns is in Fifeshire as well as Scotstarvet,—the two estates being in fact contiguous, and forming together the scene of the famous future burlesque of the *Polemo-Middinia*, attributed to Drummond. Were the two brothers-in-law bent on spending the Lent season of 1615 together in Fifeshire, and anxious that there should be no impediment to their projected festivities?

Miscellaneous Papers.

Perth, personally, within the Castle of Drymmayne. Mr James Burdoun, minister at Mowthill, and Patrik Drummond, "stewart clark" of Strath-erne, witnesses.—Both entries are signed and sealed by Robert Elder, messenger.

July 1615. Roll of the Justices of Peace for Edinburgh, Haddington, Linlithgow, Dumfries, Carrick, and Dumbarton.

49. "For Edinburgh.—The Lairde of Dalhoussie; the Larde of Lugtoun; the Larde of Innerleith; the Larde of Haltoun; the Larde of Collingtoun; the Larde of Smetoun-Richardsone; Sir James Dundas; the Larde of Reidhall, youngar; the Goodman of Graycrook.

For Haddingtoun (*ante*, p. 379).—The Larde of Innerveik; the Larde of Waughtoun; the Larde of Clerkingtoun; the Larde of Hirdmestoun; the Larde of Smetoun; the Larde of Prestoun; the Larde of Kilspindie; the Lairde of Fawsyde; the Larde of Gosfurde; Sir Williame Seatoun; Sir Williame Hoome; the Goodman of Northberuik; Sir Robert Hepburne; Patrik Carkettle of Markle.

For Lynlithgow.—The Larde of Dundas; the Larde of Keir; the Larde of Bathcatt; the Larde of Pomphrastoun; Sir Johne Hammiltoun of the Grange; Mr Alexander Hammiltoun of Kinglas; Sir Johnne Bruce of Kincavill; the Goodman of Newlistoun; Alexander Hammiltoun of Binnie; Mr John Sharp.

For Dumfreis.—The Larde of Drumlangrig; the Larde of Amisfeild; the Larde of Lag; the Larde of Closburne; the Larde of Cockpoole; the Larde of Dalyell; the Larde of Holmendes; the Lairde of Castlehill; the Goodman of Cashogill; the Larde of Graitnay; the Tutour of Johnstoun; Edward Johnstoun of Ryhill.

For Carrik.—The Larde of Culleane; the Larde of Girvane Maynes; the Goodman of Ardmillane; the Larde of Carltoun; Hew Kennedy of Garryhorne; Duncane Craufurde of Nether Skeldoun; Mr John Chalmer of Sandiefurde; Gilbert Ross, provest of Mayboill.

For Dumbartane.—The Larde of Luse; the Larde of Buchannane; the Larde of Duntreth; the Larde of Foulwood; the Larde of Glorat; the Larde of Drummakill; the Goodman of Cochno; the Goodman of Craigbarnett; Johne Grahame of Killerne."

2nd August 1615. Overtures for a re-organization of the postal service and travelling arrangements throughout the country by the establishment of a regulated system of journey-masters authorised to let out horses at fixed rates.

50. "Overturis for establischeing of joyrney horsis and keiperis under the name of joyrney maisteris, for ease of the liegis in thair travelling throw the cuntrey and strangeris repairing in the same, with supplie to his Majesteis service, as necessitie sall require[1]:—

Item, first, it will pleis your Lordschipis consider for the benefit of the cuntrey, giff thair wer ane satled ordour of joyrney horsis in everie convenient pairt of this cuntrey quhairby upoun ressonable wages sic as had occasioun to travell micht be furnisched at all tymes, thair wald be ane great commoditie to the poore by spair of victuall unnecessarlie spent be men of all estates in the interteinment of unproffitable horsis,

[1] The syntax throughout this document is peculiar; at times it is so bad that it is useless to attempt to unravel the confusion.

many skairs with [worth] thar foode, quhilk noblemen, barones, and gentlemen ar occasiones by joyrney horsis sparing all coistis the tymes they had no forced to intertein to thair servandis, quha micht be staikit at all neid of thame, sua that horsis wald not be kepit bot be men of qualitie for thair awin pleasour and credeit, quhen everie man micht [be] so staiked in his neid with small coist quhairevir they list to travell; quhilk throw the haill cuntrey wald be nō small spair of that kynd of victuall the pure is maist ordinarlie servit with.

Item, for the effecting of this service without greiff or grudge of any bodie wald seim appeirand, yowr Lordschippis appoynt some of Edinburgh or uther principall burrowis, as salbe thocht convenient, judicious men, with assistance of his Majesteis officer, Maister of the Postes, and sic uther as your Lordschipis will appoint with thame, to consider and condiscend how far the cours of joyrney horsis sall reache, as in the eist to Berwick, in the south to Kelso, Morpet, or Annick, in the west to the fardest westerne partis of commoun resort, ather quhair his Majesteis service or privat menis adois, tred, or utherwayis dois draw thameo quhair hors may be retined towardis the sey coastes; in lyke maner how far north the samen sall reache. With lyke consideratioun in quhat partis throw everie schyre in burgh or land the saidis joyrney maisteris salbe satled, and how far distant ane salbe from ane uther in severall partis of the cuntrey, as the greatnes of the resort, commoditie or incommoditie of places, will permitt.

And, that this tred maybe manteined quhairby sic as salbe imployed sall not refuis the service for laik of allowance to mantein the same nor his Majesteis lieges extorted by libertie of sic as sall exerce or undertake the service, with lyke judicious advyse it salbe considerit quhat allowance everie hors sall have for the myle in joyrney; quhilk done by discretioun, the undertakeris may find ressonable vantage and the cuntrey benefited, quhairby the tred may rather incres nor in ony sort diminische; becaus, out of questioun, giff ather finde inconvenient, the inventioun will preive unproffitable, and sua desert.

Forder to establische this service, it must not be lawfull to ony man to take upoun him libertie to sett joyrney horsis to ony persones far or neir, except he be authorised as ane of the number and associatioun of the joyrney maisteris of the pairt quhair he dwellis in, and that under the pane of as penaltie for ilke tyme ony salbe tryed to do in the contrair.

Item, all joyrney maisteris in everie pairt quhair they salbe appoynted, according to the more or les frequent resort of the part quhair they ar in of passingeris and travelleris, salbe bund be thame selffis and associatis to hald at fewest horsis, with saidilles, bryddillis, curpellis, and pilyeonis for maillis, everie hors worth the pryce of fourtie pundis or abone, and the tua pairt of thame at fewest weill passing; with this provisioun,—giff ather throw death, faill of thair horsis, or ony uther occasioun be the space of twentie dayis togidder, it may be proven and

Miscellaneous Papers.

tryed they hald fewar and wer not habill to make out the just number be thameselffis and the associatis to serve his Majesteis lieges, in that case being convict, salbe in the unlaw of . for ilka hors of the number salbe wanting the saidis twentie dayis togidder,—just tryell, cognitioun, and qualificatioun gottin of the same. And, notwithstanding everie hors must be provydit of his saidle and saidlegraith commodiouslie for the ease of his Majesteis liegeis in thair travell, it salbe lawfull to everie gentleman or traveller to serve him with his awne saidle and furnitour, on this conditioun,—giff the same do hurt or spoyle the hors, he and his cawtioner salbe subject to underly satisfactioun for the skaith sustenit be the pure joyrney maister in his hors, as salbe tryed be just prooff and qualificatioun of the same. And forder it sall not be lawfull to ony man to cary ane maill or cloikbag of greater wecht nor twentie four pund trone, and, giff ony do in the contrair, it salbe at the joyrney maisteris pleasour to accept thairof or not.

Quhensoevir ony of his Majesteis lieges sall come to ony joyrney maisteris hous, call for horsis, and find no provisioun to furnische him in his joyrney, in that cace the joyrney maister salbe bund at his charges to intertein the passinger till he find him sufficient hors, except he be hable to qualifie that his haill dew number ar alreddie on joyrney; quhilk giff he do not sufficientlie prove, being accused thairon, by and attour the interteinment of the passinger he salbe in ane unlaw of .

Item, that all joyrney maisteris salbe bund to furnische his Majesteis liegeis of sufficient hors in forme and of qualitie abonementionat at the rate of the myle, without forder exactioun in ony sort, under the pane of .

To the effect sic as dois travell do not by conditioun and abuse of the joyrney maisteris hors, and that, quhen ony abuse in sic case sall fall furth, punischement may ensew and follow the same according to the mereit, it is to be considerit that everie man that undertakis joyrney, giff it be ane principall man with his followeris or ane or ma single men be thame selffis, being of mynd to take ony joyrney of continuatioun of dayis, that they sall find cawtioun unto the joyrney maister quhair first they take thair joyrney, and that ane responsable man, according to the number of the hors, ane or mae, they speike for, that in thair haill joyrney they sall go no bywayis, gallop, nor in ony sort abuse the saidis joyrney horsis, utherwayis than on the hieway quhair thair joyrney lyis from place to place to trott or pais out the way according to thair designe to thair joyrneyis end. Thair cawtioun salbe insert in the joyrney maisteris buike they first find the same to; bearing the pairt quhair they intend to end thair joyrney; everie pairt quhair they intent to be by the way; the day they begoud thair joyrney; giff anie principall man, his name and the number of his followeris; giff ane privat man or mae, thair speciale names, the name of the cawtioner and tua witnesis present at

the finding of the cawtioun; with the soume he takis according to the number of the horsis for souirtie; that the constitutioun and ordinance of joyrney salbe keipit and the joyrney maisteris salbe satisfeit for the skaith thair hors sall sustein by doing the contrair, being qualifeit with forder unlaw and punischement at the discretioun of the Maister of the Poistes in his judicatorie. It sall be fund ane sufficient act of cawtionerie quhenas the same is subscrivit ather be the principall or his cawtioner and ony ane of the witnes; bot, giff nather principall nor cawtioner can subscrive, it must be subscrivit be ane notair in presens of tua witnesis. The joyrney maister quhomeunto this cawtioun is fund sall delyver his warrand under his hand to the travelleris and passingeris to be gevin to everie joyrney maister by the way in thair passage and travelling to giff yame assurance for thair horsis gude usage, quhilk warrand they sall evir insert in thair buke as they ressave the same and rander it bak agane to the passinger to be his warrand to his joyrneis end. And the joyrney maister that first receavis the cawtioun salbe comptable for the same, that, giff ony uther joyrney maister ressave inconvenient on his warrand aganis the constitutioun of the joyrney ordour, quhair the principall actour or cawtioner salbe uncomptable or unresponsall, he salbe answerable for the same. Sic as takis joyrneyis haveing endit the same in thair returne or taking cours elsequhair sall find cawtioun at the pairt they undertak new joyrney from in maner as is befor mentionat. For privat joyrneis to be accomplisched in ane day or tua ilk joyrney maister sall take his awin suretie according to the trust he estemes the undertaker and deiller with his hors mereitis, and as he sall thinke necessar in that respect. Item, all sic as ar cawtioneris in lyke caces salbe bund to answere to the Maister of the Poistis court at the principall burgh nixt adjacent to thair dwelling upoun lawfull citatioun, and subject to the Maister of the Poistes ordinance according to the nature of thair band.

To spair unnecessar chargis to his Majesteis liegis, and that no necessitie of boyes or uther attendantes go with the joyrney horsis, giff possiblie it can be, quhenas the Maister of Poistes does establische this service he sall have speciale cair that sic correspondence be amangs the joyrney maisteris that lyis most adjacent togidder that ilkane of thame on ressonable conditiones sall cair for utheris horsis resorting to thame, intertein thame, and use thame kyndlie, and keip reciprocatioun togidder, ayther in bak-reconduceing of thame as the commoditie sall offer, or detening of thame sum schort space and sending thame bak to thair awnaris, as may be condiscendit upoun by some ressonable constitutioun in that behalff.

For consolidatioun of this service it wald appeir necessar that his Majesteis Maister of Poistes suld travell throw the haill cuntrey for establischeing of thir joyrney maisteris in sic pairtis as salbe condiscendit upoun, and to plant in everie pairt sic personis as he salbe comptable for, haveing sufficient souertie of everie ane of thame in his great poist

Miscellaneous Papers.

buik, for assurance of thair discharge of thair dewtie in the service, under penaltie incace of failyie.

Forder, for interteinment of this service it is necessar the substance of thir ovirturis be deducit in particular ordinances intimat and proclamed throw the haill contrey and printed, quhairthrow everie man may understand thairof, that, finding commoditie, the saidis joyrney maisteris may enlarge the number of thair horsis as they find resort, and the intimatioun may encourage men to mak use of the service, the same being anes sett doun. Lykeas the post maisteris judicatorie must be authorized be your Lordschipis ordinance and auctoritie, and severall principall burghis appoyntit quhairin some thrie or four or ma of the maist adjacent schyris the haill joyrney maisteris and poist maisteris sall compeir for discussing of all questiones that may result upoun the said service amangis thame, and sic as ar intrest may be hard of thair plaintis, and these that ar subject be the ordinance to the said citatioun may give thair appearance and answere to the saidis plaintives; togidder with your Lordschipis auctoritie for concurrence of all magistratis for executioun of the said poist maisteris decreittis in this service, with forder executoriallis, as your Lordschipis moir judicious considerationis sall thinke most expedient; quhilkis courtis must be haldin at leist throw the haill cuntrey twys or thryse in the yeir, gif not oftner, as necessitie sall require.

For his Majesteis particular service.—Item, giff the necessitie of the Estate or his Majesteis service sall require, all the saidis joyrney maisteris salbe bund to furnische ane or tua horsis with ane gyde to thair nixt fellow in poist to these that be directioun salbe imployed or yit quhenas ony pacquet sall cum bearing extraordinar diligence warranted be

,

or ony ane of thame, under thair hand and signet, provyding alwayis, in regaird the saidis joyrney maisteris hes no standing fie of his Majestie, that sic as salbe directit for his Majesteis effaires sall pay for ilk hors sua furnischet in poist for everie man and gyd the dowble of the poistis allowance, to witt, fyve schillingis for ilke myle, and for gydes groatt (?) sex schillingis ilke poast. Giff ony pacquet requiring lyke diligence for materis of extraordinar importance salbe at ony tyme direct to the saidis joyrney maisteris be the foirnamed haveing auctoritie, the same sall go with lyke diligence from ane to ane uther till it come quhair it is directit. The first ressaver of the said pacquet by the directioun on the bak thairof must have warrand of the nobleman directer be ane by-ticket, quhilk he must keip for his and his followeris warrand, and sua direct the pacquet to the nixt and ane from ane uther till it come to the persoun or persones quhometo it is direct, ilk joyrney maister quhair it passis inserting the preceis day and hour of the receat thairof to the last delyverer, quha sall have from the receaveris of the saidis pacquettis ane testificat under thair handis of the day and hour of thair receat of the same. Quhilkis warrandis both first and last salbe keipit

and delyverit quarterlie to his Majesteis Maister of the Poistes, quha at the ressait thairof sall pay to ilk joyrney maister that hes convoyed the saidis pacquettis fyve schillingis for ilk myle as is abonementionat. Miscellaneous Papers.

Item, all pacquettis direct to the saidis joyrney maisteris concerning his Majesteis effairis be the foirnamed statismen and counselloris, and non els, that require les diligence and may be conveyed by joyrney traine, in that cace all joyrney maisteris with all diligence sall direct the same from ane to ane uther, inserting the hours of thair ressaittis in thair buikis as of befor, and keiping the warrandis of the directeris, and in all respectis the ordour in the former article, except onlie they sall have for these pacquettis alanerlie the ordinar joyrney pay for the myle the remanent of his Majesteis lieges payis; quhilk in lyke maner his Majesteis Poistmaister sall quarterlie pay to thame upoun the ressait of thair warrandis, with this provisioun,—in cace ony of the saidis pacquettis sall lingar with them or ony ane of thame without suddane dispatche, he in quhais handis the samen salbe fund to lingar salbe under the unlaw of by and attour the punischement of his bodie according to his mereit at the discretioun of the nobleman directer or the Maister of the Poistes.

Item, that the saidis joyrney maisteris be not in ony sort disappoyntit of his Majesteis allowance for thair nicht and dayis service, with all convenient diligence as they salbe imployed, ather be fraud or auctoritie, in regaird the Maister of the Poistis is both soverane abone thame and thair paymaister, it salbe expedient that first, quhenas the Maister of the Poistes cumes to ressave ather his awin allowance or thairis, that he sall at ilk terme anis personalie compeir befor the Eschekker and giff his soleme aith that, in regaird the saidis joyrney maisteris wantes sie thair wages is dewlie payit to thame according to his Majesteis allowance and thair warrandis, as, giff ony surmeis of the contrair be had of the Maister of the Poistes undewtifull doing in that behalff, he sall alwayes be answerable to the Lordis of the Counsell, thoe thair be no compliner; and, giff at any tyme it be tryed him to have done in that behalff unconscionablie and undewtifullie, he salbe discharged as ane infamous man af his Majesteis service, and forder at the arbitrament of the Lordis of Counsell punischeit in bodie and guidis for sic undewtifull behaviour beyond his credit and place. Lykeas it wilbe expedient in that cace that ane ordinance be maid concerning my Lord Thesaurer and his ressaveris that anuelie (?) all expensis sett afther the saidis joyrney maisteris and poist maisteris be dewlie payit of his Majesteis small allowance, they must nicht and day, as his effairis sall require, travell for, and that yeirlie thair comptis be nevir hard till in the first article of the same the discharge of the Maister of the Poistes for these services be produced, being most ressonable quhat he must quarterlie advance be payit to him at leist at tua termes.

Item, in regaird that his Majesteis Maister of Requeistis resident at court occasioun divers tymes will serve to have sindrie privat menis

Miscellaneous Papers.

effaires in handling, quhilk, haveing direct the same from court by ordinar cours be pacquettis to Edinburgh, may ly thair for laik of commoditie of lyke ordinar way to go in the contrey heir to the awnaris, for discharge of his dewtie for his help in that respect, he haveing ane ordinar agent at Edinburgh to pay be the ordinar cours of joyrney myles answerable to the pairtis quhair the saidis pacquettis sall pas, the Maister of the Poistes be his directioun sall have ane cair to sie him served with all convenient diligence throw all the pairtis of the cuntrey be the saidis joyrney maisteris as he sall direct, on the conditioun alwayis forsaid that ane present paymaister be provydit quha may be these to quhome the earand sall appertein by some solid cours of correspondence, being alwayis necessar and ressonable that sic as travellis be thameselffis and thair horsis sall have sure and reddie payment for thair service.

Last, that the saides joyrney maisteris salbe bund to answer no manes warrand of quhatsumevir auctoritie or credit he be, counsellour or els, bot sic few as salbe designed for directioun ather of his Majesteis ordinar effaires, as the Lord Thesaurer, or els in maist wechtie and important effaires the speciale statesman namelie designed: els thair travellis micht be extraordinar, his Majesteis charges rys to ane great sowme in the yeir for privat menis humouris, and the Maister of the Poistes find grudge of the Thesaurer and ressaveris quhen he seikis payment of that he hes debursed rysing to ane sowme possible verie unnecessarlie debursed."

At the end of this document is the following addendum:—

"At Edinburgh, the secund day of August 1615.—The Lordis of Secreit Counsaill nominatis and appointis the Lordis President, Previe Seale, Thesaurair Depute, Clerk of Register, Advocat, and Medop to convene and meete with Sir Williame Seytoun, at suche tymes and place as the Lord President sall appoint, and to confer upoun the overtour abonewrittin, and to reporte thair opinioun thairanent to the Counsaill: ordaning thame to convene with thame suche burgessis and otheris whose advise and opinioun thay think meit in this busynes.—AL. Cancellarius."

Undated, 1614-1615. Request of the Archbishop of St Andrews and his colleagues of the Court of High Commission for letters of denunciation against George Arnot for contempt of discipline.

"Unto yow, my Lordis of Previe Counsale, humblie shawis your Lordischipis, George, Archibishope of Sanctandrois, and the Lordis of his Majestie his Hie Commissioun, that quhair, George Arnot being summoned to compeir befoir us the third day of Marche instant to haive answerit at the instance of Mr Johne Chalmeris, minister at Achtirdirron, and Mr Patrik Forrest, our procuratour fishale, for minassing and boisting of the said Mr Johne and for his hie disobedience and contempt of the discipline of the Kirk, and act of sessioun of Auchtirdirron ordaning him to satisfie the Kirk for his sclander and fornicatioun committit be him with Elisibet Boswall, with certification to him and he

failyeit our certificat suld be direct to your Lordischipis for letteris to denunce him rebell for his contumacie in non-compeirance conforme to his Majesties Hie Commissioun. Quhilk summondis being callit, and the said George Arnot lauchfullie summoned and not compeirand, we haive directit our certificat to your Lordischipis. Thairfoir we beseik your Lordischipis that, upoun the sicht of this our certificat subscryvit be us, that your Lordischipis will direct your letteris to denunce the said George Arnot his Majesties rebell for his contumacie in non compeirance, he being personally summoned to compeir, and your Lordischipis, &c. — SANCTANDROIS; PA., B. of Ross; JO. HALL; Mr HOWATT; Mr G. GLAIDSTANS.

Edinburgh, 16th January 1616.
Commission to Lord Gordon.

52. Original of commission granted to Lord Gordoun against Allaster M^{c}Rannald and Ronnald M^{c}Ronnald, given *ante, Book of Isles*, p. 767. Given under the Signet and signed JA: PRYMROIS.

18th January 1616.
Letter from the Archbishop of St Andrews concerning Mr William Watson.

53. "Please your Lordschipis. Anent the planting of Bruntiland with another minister I haif providit as I wes directit be his Majestie; and, seeing by occasioun of this jorney Mr William Watsoun (*ante*, p. 429) cannot be placit at Merkinsche before my return from Courte, I must humbly intimat your Lordshipis favour for a continewatioun of the charge gifin him unto the first of Apryl, before quhiche tym, God willing, I sal haif him setlit. In the meantym he hes promisit to haif no medlinge in those effairis of Bruntiland any more; quhiche if he suld contravene (as I know he will not), he suld ndo him self and worke his own disapointment of his Majesteis present favour. And so, expecting your Lordschipis favourable answer (*ante*, p. 448), I remain your Lordschipis very assurit to serve yow, SANCTANDROIS.—Edinburgh, this morning the 18 of Janij. 1616."—(*On the back*) "To my very honorable good Lordis the Lordis of his Majesteis Previe Counsell of Scotland."

Edinburgh, 30th January 1616.
Commission to Murdo Neilson and others.

54. Original of commission granted to Murdo Neilsoun in Achaneis, William Neilsoun in Monodaill, William Allaster Williamsoun in Russell, and William Cook, messenger, given *ante*, p. 451.

19th February 1616.
Royal Warrant for admitting Lord Lindsay of the Council.

55. Original letter, under the Royal sign manual, admitting Lord Lindsay of the Council, given *ante*, p. 485. Dated Newmarkett, 19th February 1616.[2]—(*On the back*) "To oure trusty and right welbeloved cosen and counsellour the Earle of Dumfermeline, oure Chancellar, and in absence of him to oure trusty and welbeloved counsallour Mr Johne Preston of Pennycooke, President of oure Counsell and Session of our kingdome of Scotland."

[1] For the imperfect portion of the letter in the *Acta*, *ante*, p. 485, read "wherein either he hath had occasion to expresse himself, or wee to imploy him, these are therfore to require you our Chancellar, and in his absence you oure President, upoun receite, &c." For 9th of February there read 19th of February, as above.

Miscellaneous Papers.

56. Charge to James Johnstoun, messenger, to denounce Sir James Kincaid of that Ilk rebel (*ante*, p. 472). Given under the Signet and signed Ja : Prymrois.—(*At the foot*) "*Apud Edinburgh, vigesimo secundo Martij j^m vj^c decimo sexto.* Produceit be Alexander Mekill, and registrat in the bookis of Counsall conforme to the Act of Parliament be me Mr Alexander Skene, Clerk Depute to the Clerk of Register, and Keiper of the Register of the Horningis.—A. Skene."—(*On the back*) Execution of the charge on 18th March at the Market Cross of Striviling before James Robesone, Archibald Allane, burgess in Stirling, Alexander Patersone and Williame Sherar, merchants and burgesses in Stirling. Sealed and signed by James Jonstoun, messenger, and countersigned by A. Skene. Edinburgh, 7th March 1616. Charge against Sir James Kincaid of that Ilk.

57. Charge to a King's messenger to summon Nicoll Carnecroce, son of the Goodman of Tolmeslie, Michaell Fischer in Darnik, and Thomas Fischer, his brother, to appear, on 16th April instant, before the Council to underly order for the quarrel between the said Nicoll Carnecroce and the said Michaell and Thomas Fischer. Given under the Signet and signed Ja : Prymrois.—(*On the margin*) "xvj Aprile 1616. Continewit to the first Counsall day of Junij."—(*On the back*) Execution of the above charge by Johne Hunter, messenger, (*a*) against Michaell Fischer in Dernik, personally, on 7th April instant, before James Nicoll in Melros, and Johne Andersoun in Newtoun, witnesses, (*b*) against Nicoll Carncors, and Thomas Fischer, brother german of the said Mychell, personally, on 9th April instant, before William Andersone in Ridpeth, Johne Young in Ligartwod, and Johne Watsone in Ridpeth, (*c*) against James Edgare, messenger, and Robert [1] in Melros, personally, on 10th April to appear as witnesses in the said matter. Edinburgh, 4th April 1616. Charge for the appearance of Nicol Cairncross and others.

58. Acknowledgment by Johnne Scherar, bailie of Striviling, in name of the provest, bailies, and Council of Striviling, of receipt of 100 merks from Thomas M^cAwlay, writer, on behalf of Aulay M^cAwlay, fiar of Ardoch, as a fine imposed by the Lords of Council (*ante*, p. 509).—Signed John Scherair, and Thomas Hwme (constable of the Castle of Edinburgh); Thomas Fyscher (merchant burgess of Edinburgh), and Johnne Williamsoun (sheriff-clerk of Striviling), witnesses. Edinburgh, 1st May 1616. Acknowledgment for the burgh of Stirling of receipt of fine imposed upon Aulay Macaulay of Ardoch.

59. Scroll letters as follows (see *ante*, pp. 525 and 542):— (*a*) "After oure verie hairtlie commendationis to your goode Lordschipis. The Kingis Majestie, being cairfull that the contraversie betuix your Lordschip and the base sone of the laite Lord Sanquhair may be composed and he in reasoun satisfeit, hes for this effect (?) recommendit unto us the convening of yow bothe befoir us, and to urge him to accept and your Lordschip to gif suche satisfactioun, ather in money, land, or bothe, as by arbitriment of indifferent freindis salbe modifeit. And we haif appointit the xviij day of Junij now approtcheing to deale Edinburgh, 23rd May 1616. Letters to Lord Sanquhar and the illegitimate son of the late Lord Sanquhar requiring their appearance for the settlement of the dispute between them.

[1] The reading here is very uncertain.

with yow bothe in this earand; and we haif writtin to him and his curatouris to keepe the same dyet, and to come prepairit and resolvit to do in the bussynes so far as by indifferent freindis injoyned unto you. And so, looking for your preceis keeping of this dyet, as you respect his Majesteis obedyence and contentment, we committ your Lordschip to God. From Edinburgh, the 23 of May 1616. Your Lordschipis verie goode freindis."

(b) "Right traist freind, after our verie hairtlie commendationis.—The Kingis Majestie being cairfull that a finall end salbe putt to that mater and contraversie anent the Lordschip of Sanquhair, quhairof the decisioun wes putt in his Majesteis handis and wherupoun his Majestie hes alreddy gevin his decreit and sentence, and that accordinglie suche satisfactioun salbe maid unto yow ather in money [or] land or bothe, as by the arbitriment of indifferent freindis salbe modifeit, and as salbe thoght fitt bothe for your pairty to gif and for yow to ressave, his Majestie for this effect hes recommendit unto us to deale and travell with you for accepting of the satisfactioun and to mak choise of suche freindis to whose arbitrament yow wil stand thairin. And thairfoir these [ar] to requeist and desyre yow to addresse yourself heir upoun the xviij day of Juin nixt, prepairit, providit, and resolvit to do in this mater so far as by indifferent freindis salbe injoyned unto you. We haif writtin to your curatouris to keepe this same dyet with you, who will assist yow with thair presence, counsell, and advise in this busynes and your partie will lykwise be present to do that whilk to him appeyreth. And so, resting assured of your preceis keiping of this dyet, as you respect his Majesteis obedyence, we committ you to God. From Edinburgh."

Kirkwall, 5th June 1616. Commission by the Sheriffs of Orkney and Shetland to a Dutch Admiral, now in the Northern Seas, to pursue and apprehend pirates now infesting those seas.

60. "We, Harie Stewart of Carlongyie and Mr Williame Levingstoun, schireffis and justiceairis of the cuntrey of Orknay and Zetland, and admirall deputis of the seyis belonging to the saidis cuntreyis, undirstanding that now presentlie thair are divers and sindrie pyrattis and utheris malefactouris within the seyes of the saidis cuntreyis off purpois to do wrang to the cuntrey and to invaid the same; and seeing that Joast Adrians, admirall for this yeir of the wachteris sent oute frome the Estaitis of Holland for apprehending of sic malefactouris, is now within the said cuntrey of Orknay, quha we knaw to be willing to suppres the malice of the saidis pirattis, and to help for resisting of thair invasioun upoun the said cuntrey: Thairfore we gif full power, libertie, and commissioun to the said admirall to searche, seik, tak, and apprehend the saidis pyrattis quhairevir or in quhat pairt soevir within the seyes or harboreis of the said cuntrey thay salhappin to convene with thame, and, efter thair apprehending of sik malefactouris, to tak and present thame to the Lordis of his Majesteis most honnourable Counsell of Scotland, to be punist condignelie for thair faultis. Quhairanent we committ full power be this oure commissioun, subscryvit with our

Miscellaneous Papers.

handis at Kirkwall, the fyft day of Junij 1616. *Sic subscribitur*: H. Stewart; W. Levingstoun."

61. "My Lordis of Secreit Counsell, unto your Lordschipis humelie menis and shewis your servitour Lauchlane M^cIntoshe of Dunnauchtane that, quhair for that oversight committit be me this day aucht dayis aganis the Laird of Alter I wes first committit to warde within the Castell of Edinburgh, and nixt to my ludgeing in this toun, quhair I now remane under cautioun, altheght that I am verie sorye that I sould haif overseene my selff in suche a poynte, and, howevir I meane not to excuse my rashnes in uttering of these untymous speecheis, yitt your Lordschipis hard and knowis weele aneugh how that I wes steirit up thairunto be ane idill and unnecessair comparisoun maid be the Laird of Alter quhenas I wes entering in a familiar and friendlie discourse with him anent that mater. And yitt, being willing to gif unto him satisfactioun for my oversight, I haif causit the Laird of Barnbarraugh and James Done seeke him; bot he will accept of no reasonable satisfactioun, unles I submitt the principall caus betuix us. Theirfoir I beseeke your Lordschipis to freethe and releve me of my warde, and to grant me libertie and licence to pas quhair I pleis, and your Lordschipis ansuer heiranent to beseeke."—Indorsed: "Apud Edinburgh, xj Junij 1616. *Fiat ut petitur*,—provyding that this supplicant present himself befoir the Counsaill upoun Thurisday nixt in the afternoone.—Al.: *Cancellarius*; J. Prymrois."

Edinburgh, 11th June 1616.

Petition of the Laird of Mackintosh for his liberation from the ward to which he has been committed for his altercation with the Laird of Altyre.

62. Petition by the Lord Advocate to the Council, that George Baxter, Robert Henrysone, Thomas Sandersone, William Kersell, son of Johne Kersell, Johne Neilsone, son of Adame Neilsone, Johne Gourley, William Tempill, Johne Cleg, and Johne Heislope be summoned before the Lords on 18th June instant, to answer to his complaint that they have contravened the act anent the slaughter of lambs (see *ante*, p. 527 and p. 552).—Signed Sir William Oliphant.—Indorsed: "*Apud Edinburgh xiij Junij 1616. Fiat ut petitur*, Sir A. Drummond."—(*On the margin*) "*Apud Edinburgh xviij Junij 1616.* Persewair personalie; George Baxter, Robert Hendersone, Thomas Sandersoun, and Johne Gourlie personalie; who, being sworne, denyis; assoilyees. The rest absent; decernis."—(*On the back*) Execution of the summons on 17th June 1616 against the said eight persons (excepting Johne Neilsone) personally, and against the said Johne Neilsone "at his dwelling hous with his father in Edinburgh," before Robert Dalgleish, flesher, Mathew Drummond, "nolt dryver," and Adame Neilsone, flesher, witnesses. —Signed Johne Andersone, messenger.—*Then follow these jottings*: "Robert Hendersoun sworne denyis. Thomas Sandersone grantit tua lambis bittin with a wode doig. Johne Gourla sworne denyis. George Baxter sworne grantis that thair wes a slayne lamb send to him."

Edinburgh, 13th June 1616.

Prosecution of a number of persons for illegal killing of lambs.

Miscellaneous Papers.

Edinburgh, 2nd July 1616.

Gordon of Gicht.

63. Original of commission against George Gordoun of Gicht given *ante*, p. 555.

11th July 1616.

Commerce with Ireland.

64. Extract and complete copy of entry anent the commerce with Ireland, given *ante*, pp. 566–570.—Signed JACOBUS PRYMROIS.

Wansted, 12th July 1616.

Royal Letter to the Council concerning the Earl of Caithness and his son Lord Berridale.

65. Royal letter, under the sign manual, addressed to the Council, as follows:—"Righte trustie and righte welbeloved cosen and counsellour and righte trustie and welbeloved counselloris, wee greete yow weele. — Having understood that the Earle of Cathenes is agreed with his partie concerning that odious facte of fire raising, wee long to heare frome yow whether or not yee have observed the rule sette doune by us in all businesses of the like nature,—which is to binde the persewer not to agree withoute our consente; whiche if he do, yee are alswell to persew him for his said agreement as the firste offender for his offence. And therefor in this case, whether they be agreed or not, yee are in our name to insiste oyther againste the one or both. Wee likewise long to heare what excuse yee can make for your selves in that yee have suffered the Lord Beridel (whome all the depositionis which wee have seene made alike guiltie with his father) to remayn at libertie, and, notwithstanding his comperance before yow, to go away not so much as once challenged, as if he had not offended at all. So fare yee well. Given at Wansted, the xijth of Julie 1616."

Edinburgh, 2nd August 1616.

Acknowledgment by the Tutor of Kintail of receipt from James Primrose, Clerk of the Council, of a band to be subscribed by Donald Gorme.

66. Acknowledgment of receipt from James Prymrois, Clerk of Council, of a band subscribed by Donald M^{c}Allane V^{c}Eane of Ylantyrum, Captain of the Clanrannald, and Johnne Steuart of , as cautioners and sureties for Donald Gorme of Slaitt, "for the said Donald Gorme his observing of the conditionis quhairupoun the remanent Yllismen hes fund cautioun." Subscriber promises "to cause the said Donald Gorme subscryve in presence of ane honnest and famous witness, and to reporte and returne the said band subscryvit be the said Donald Gorme and the witness to the said James Prymrois, to the effect he may insert and registrat the same in the buikis of Secreit Counsaill, betuix the daite heirof and the tent day of September nixttocome."—Signed: RORIE M^{c}KENYE, Tutor of Kintaill; MR JOHNE MACKENZIE, minister, witness; ALEX. WYLIE, servitor to James Prymrois, witness.

Edinburgh, 29th August 1616.

Acknowledgment by Gordon of Cluny of receipt from the Clerk of Council of a fine of 100 merks paid by Robert Forbes

67. Acknowledgment by Alexander Gordoun of Cluny, as master of Johnne Galloway in Park of Cluny, of receipt of 100 merks Scots which had been placed in the hands of James Prymrois, Clerk of Council, by Robert Forbes of Cowlye, son of William Forbes of Monymusk, by order of the Council on August instant, as a fine to be paid to the said Johnne Galloway for personal injury done to him by the said Robert. Subscriber relieves the said Robert and the said clerk of all claim, and promises to cause the said Johnne Galloway to give his own discharge

Miscellaneous Papers.

when required—"be thir presentis, writtin be Thomas Crombie, writer, and subscribed be me at Edinburgh the xxix. day of August j^{m} vj^{c} and sexteine yeiris, befoir witnesis Mr Edvart Merschell, commissair clerk of Edinburgh, Mr Robert Wynrame, writer, the said Thomas Crombie, and and William Craigfeid, his servitor.—CLUNY, withe my hand, E. MERSCHELL, witnes, MR ROBERT WYNRAME, witnes, T. CROMBY, witnes." —Indorsed: "At Edinburgh, ultimo August 1616. I, Mr William Davidsone, advocat, as procuratour for Alexander Gordoun of Cluny within subscryvand, consentis to the registering of this withinwrittin discharge in the buikis of Secreit Counsell.—W. DAVIDSONE." for assault on John Galloway, one of Gordon of Cluny's men.

68. "Unto your Lordschipis most humblie meanis and schawes I, Mr William Morray, persoun of Dysart:—Notwithstanding that my conscience beares me witnes that I have ever most dewtiefullie behaved my self in al matteris concerning the discipline presentlie establisched in the Kirk of Scotland under the governement and authoritie of Bischoipis, and that I nevir have nather be word nor actioun done or said ony thing derogatorie thairto, bot on the contrair sa far as lay in my power at al occasiones boith privat and publict hes given testimony of my good and sincere affectioun to the advancement thairof, being certanlie persuaded in so doing to have done good and acceptable service to God, the Kingis Majestie, and my cuntrey,—nevertheles I am certanlie advertesed be my freindis from Court that his Majestie is far utherwayes informed of me: speciallie that since my returne from Ingland I have kythed my self refractarie and opposit to the foirsaid discipline,—which to me is ane unspeakable greif. And, seeing it is boith necessarie and expedient for me that his Majestie be better informed of my faythful behaviour, and that this undeserved imputatioun lye not ony longer upon me, I thoght meit to have recourse unto your Lordschipis, quhom by good fortoun I have fund assembled togidder at this tyme, humblie beseiching not onlie your Lordschipis of the ecclesiastical estait, to quhom his Majestie hes principallie committed the chairge of kirk effairis within this kingdome, bot also your Lordschipis of his Majesties most honourable Counsell (for to boith your censures, separat or conjunct, I humblie and willinglie submitt and offer my self to be tryed), that it wil pleas yow to inquyre and tak tryal of my bypast behaviour, and, if I have in ony sort undeutiefullie behaved my self ather to his Majestie as a subject or to my superiouris as a kirk-man, I crave no favour nor no excuisis; bot, if your Lordschipis find that my behaviour hes beine alwayes deutieful and that I have not deserved to be so traduced, I doubt not bot your Lordschipis wil do me that favour be your testificatioun to bear witness unto his Majestie of my innocencie, and that I have ever beine, as I sal remaine, his Majesteis most faythful and obedient subject and servitour. In so doing your Lordschipis sal beare witnes to the treuth, and oblis

Undated.[1] Petition by Mr William Murray, parson of Dysart, for inquiry into his conduct, so that his Majesty may be disabused of a false impression of his disloyalty to the ecclesiastical system of Episcopal government now by law established.

[1] The letter is undated; but it may be placed here, as we know that William Murray died in September 1616.

me to pray' hartielie unto God for yow."—*Indorsed:* "William Murrayis bill."[1] Miscellaneous Papers.

Royston, 15th October 1616.

Royal Letter ordering the gift to the Earl of Abercorn of the escheats of such Scots, appointed to lands in the barony of Strabrane, as have failed to fulfil their obligations as Undertakers for those Irish lands.

69. Royal letter, under the sign manual, addressed to the Council, as follows:—"Righte trustie and right welbeloved cosen and counsellour and righte trustie and welbeloved counselloris, wee greete yow well. Whereas divers our subjectes of that our kingdome, being undirtakeris of the plantation in Irland, have, to our domage and their owne extreeme daunger, lefte the conditionis of the said plantatioun unperformed, wee are well pleased to bestow the eschetes of so manie of them as were undertakeris in the baronie of Strabrane on our right trustie and righte welbeloved cosen and counsellour the Earle of Abercorne, and therefor have thoght good by these presentes to wille and require yow to expede unto him our signatour of the eschetes aforesaid in forme as effeireth. Which not doubting but yow will accomplish, wee bid yow farewell. At Royston, the xvth of October 1616."

Whitehall, 2nd November 1616.

Royal Letter ordering the liberation of the Gypsies now lying in the Tolbooth, Edinburgh, but with a time to be assigned to them for quitting Scotland under pain of death if they reappear there.

70. Royal letter, under the sign manual, with signet affixed, as follows:—"Righte trustie and righte welbeloved cosen and counsellour and righte trustie and welbeloved counselloris, wee greete yow well.—Whereas a nomber of miserable people termed Egyptianis have now of long time bene deteyned in the Tolboothe of Edinburgh as worthie of death for contravening an acte of Parliament ordeyning the punishment of death to be inflicted on such of them as shoulde thereafter be deprehended in that our kingdome, yet, forasmuch as the said Egyptianis were neyther convicted nor accused of ane capitall crime, but onlie apprehended as vagarant persones, wee are well pleased at this time to dispense with the rigour of the said acte, willing yow to cause sette them at libertie, and assigne them a competente time to prepare themselves to departe oute of that our kingdome; with certificatioun that, if after the said day to be assigned by yow unto them they shalbe founde in that our kingdome, the said punishment of death shalbe inflicted upon them withoute anie favour. And, this remitting to your dispatch, wee bid yow fairwell. At our pallace of Whitehalle, the secunde of November 1616."

Whitehall, 2nd November 1616.

Royal Letter enjoining penalties on those parents who neglect the religious education of their children.

71. Royal letter, under the sign manual, as follows:—"Righte trustie and righte welbeloved cosen and counsellour and righte trustie and welbeloved counselloris, wee greete yow well. Whereas it is necessarie for the better establishing of true religion that childrene be catechised and educated in the knowledge of the groundes thereof frome their tendir yeares; and whereas manie parentes are so negligent and careles

[1] In connexion with this entry, see footnote at p. 14 of vol. viii., *ante*.—A son of this Mr William Murray, minister of Dysart, was afterwards of celebrity as "Will Murray," one of the Gentlemen of the Bed-Chamber to Charles I., all-powerful at Court, and a very active agent in the negotiations between that King and the Covenanters. He was created Earl of Dysart in 1646.

Miscellaneous Papers.

in that pointe as their childrene, being eyther altogether ignorant or careleslie instructed, are, when they come to age, easilie perverted and drawen to Poperie: it is therefor our pleasour that yee cause make and publishe an acte commaunding all parentes to use the ordinarie meanes of instructing their young childrene, to presente them to their ordinarie pastour at all usuall times of catechising and examination, and to bring them to the byshoppe of the diecese at everie visitation to be tried and confirmed by him,—with certificatioun that such parentes as shall neglecte these meanes shall pay according to their qualitie a pecuniall summe withoute anie remission. And, this recommending to your speciall cair, wee bid yow farewell. At our pallace of Whitehalle, the secunde November 1616" (*ante*, p. 672).

72. Royal letter, under the sign manual, as follows:—"Righte trustie and righte welbeloved cosen aud counsellour and righte trustie and welbeloved counselloris, wee greete yow well. Complainte being made unto us of some wronges done on the Bordouris of this our kingdome by theeves, the thing seemed nothing strange unto us, the place being far remote, and the arme of justice seldome stretching thether; but, while wee were more narowlie examining the said wronges, wee founde that these shires, sometime the Midle Marche of that our kingdome of Scotlande, are not free of that mischeife of thefte; which wee thoughte more strange, both in respecte that the place is not far frome yow, and that wee are at greate charges to maynteyne peace and quietnes therein. And, forasmuch as the cause of these disorders muste be eyther in the remissenes of our Commissioners, or in defecte of something to be done by yow, or then in the wante of somewhat requiring immediate order frome our selfe, it is our speciall pleasour that once everie moneth, or (if so often it can not be commodiouslie done) at leaste once everie two monethes, yee calle our said Commissioners before yow and take a particulare accompte of them, how far thay have advanced our service, and what in speciall thay have performed since everie laste meeting, that so, the faulte being by yow founde oute, it may eyther by your selves or by us upoun your advertisment be with speede amended. And, of these accomptes desiring to be by yow frome time to time advertised, wee bid yow farewell. At our pallace of Whitehalle, the ixth of November 1616."

Whitehall, 9th November 1616. King's Letter respecting some recent thefts on the Borders, with intimation that this seems to argue some slackness on the part of the Border Commissioners: the Council, therefore, to cause these Commissioners to appear before them at frequent intervals to report their diligence.

73. Royal letter, under the sign manual, as follows:—"Righte trustie and righte welbeloved cosen and counsellour and righte trustie and righte welbeloved counselloris, wee greete yow well. Whereas Williame Hay, brother to the Earle of Errolle, hathe now of a long time bene deteyned under custodie for the insolence and riote committed upon the brethrene of Bruntehille [*ante*, p. 501], and becaus wee thinke him sufficientlie punished by his said detentioun for his parte of

Newmarket, 7th December 1616. King's Letter ordering the release of William Hay, brother of the Earl of Errol.

the said riote, wee are well pleased that he be sette at libertie,—excepte that eyther yee know a sufficient reason, or the partie objecte anie thing, to the contrarie. And, this remitting to your determination, wee bid yow farewell. At Newmarket, the vijth of December 1616." Miscellaneous Papers.

Newmarket, 9th December 1616. King's rents.

74. Original of royal letter anent the Commissioners of the Rents given *ante*, p. 676.

INDEX.

INDEX.

ABBAY, Arthur: the Marquis of Argyle claims his ship for the King's service, 401.

Abbeys: of Croce Ragnell, 155, 163; of Holyrood, the baxters' loft in, 71–2; Ruffard Abbey, royal warrant dated at, 602.

Abbot, Dr George, Archbishop of Canterbury, grants absolution from a sentence of excommunication to the Marquis of Huntly, in the Chapel of Lambeth, 562, n.

Abduction, cases of, 37–8, 115, 165, 199, 422, 431, 441–2, 487–8.

Abercorn, James Hamilton, Earl of, vi, xiv; surrenders the Sheriffship of Edinburgh to the King, 20; 28, 57; arbiter in a case of feud, 112; royal commission to, with others, for the visitation of the University of Glasgow, 195–7; act acknowledging that he has fulfilled all his engagements for his share of 6000 acres in the Irish Plantation, and exonerating him therefrom, 263 and n.; act for giving effect to the King's precept for the payment of £30,000 to, 380–1; mentioned, 463, 470, 618, 846; commissions of the peace to, 204, 401, 619, 637; signs commissions, 51, 59, 60, 76, 85, 90, 292, 414, 524; present in Council, 29, 37, 44, 48, 55, 58, 63, 65, 70², 73², 75, 78, 81, 262, 292², 308², 309, 362, 363, 381, 383, 412, 413, 414, 419, 515, 522.

Abercorn, parish of, 571.

Abercromby, John, in Sandistoun, 487.

—— Mark, 220.

—— Patrick, charged with resetting Jesuit priests, 212.

—— Richard, 220, 235.

—— Robert, at the mill of Pitmeddin, 387.

—— Thomas, 163, 235.

—— William, in Kemmellis, 387.

—— of that Ilk, Thomas, 131, 160.

—— of Murthly, Thomas, 220.

—— of Polton, Richard, 39, 138, 142, 523.

Aberdeen, references to the illegal Assembly of 1605, xciv, 5 and 5 n.; the General Assembly held at, in August 1616, cii–cx, 580–1, 584, 598–601 n., 639, 670, n., 672, n.; a meeting of the Privy Council held at, on 20th August 1616, 602 and 602 n.; commission for the visitation of the University of, lxxvii, 18, 809; reference to a ship rigged out in 1590, by the burgh of, 23; ward in, 107–8; commissioners of the burgh, 193; provost and bailies of, 387–8, 678; Tolbooth of, 498; the Bonnie Wife's Inn, in the Gallowgate of, 497, 500; Kirkgate of, 574; the market cross of, 800; the Broad Gate of the Gallowgate, 804.

Aberdeen, shire of: the Earl of Errol has leave to resort thither, 35–6; Lord Gordon's commission for, 445–6; Justices of the Peace for, 267; commissions to the sheriff and his depute, 202–3, 248, 318, 379, 404–5, 414, 678, 687; sheriff-depute of, *see* Gordon of Lentusche; Bishop of (Peter Blackburn), 44 n., 76, 298; appointed one of the commissioners in the new Court of High Commission, 437 n.

Aberdour, in Fifeshire, assault in the High Street of, 396–7.

—— Alexander, 371.

Abernethy, Andrew, in Glencorse, 426, 522.

—— Euphame, mother of Matthew Lapslie, 585.

—— George, 272.

—— George, advocate, 790.

—— Mr. John, minister at Jedburgh, appointed one of the Commissioners in the New Court of High Commission, 437 n.

—— John, in Caithness, 197.

—— John, in Dunbeith, 826.

—— of Glencorse, George, advocate, 522.

Abroad, licence to go. *See* Travel.

Absolution, form of, employed for the Marquis of Huntly by the Archbishop of Canterbury at Lambeth, 562–3 n.

Achieson, Mr Archibald, advocate in Edinburgh, 694–5, 706, 707, 778, 780.

—— Gilbert, merchant burgess of Edinburgh, 407.

—— John, present general of the Cunyiehouse, 75.

Achieson, Mr John, son to the late Master Cunyeour, £4000 paid to, for his house in the Cowgate, 548.
—— Mr John, provost of Dunbar, 573.
—— Thomas, the late Master Cunyeour, 74, 548.
—— William, 234.
—— of Gosfurd, Justice of the Peace, father-in-law of MacLean of Duart, lviii, 379, 266, 647, 780–1.
Acta, register of the, 279, n., 291, n.
Adair, Patrick, in Uthre-MacKeane, 385.
—— Patrick, customer, warded for insolence to the Earl of Abercorn, 463, 470.
—— William, 212.
Adam, Adam, in Loanhead, 586.
—— Alexander, at Dundee, servitor of Blair of Brinstone, 566.
—— Andrew, in Thriddis, 586
—— Cuthbert, in Thriddis, 586.
—— John, in Fynnoch Hauch, 585.
—— John, in Keirhill, 586.
—— Thomas, witness, 400.
—— Thomas, in Thriddis, 586.
Adamson, Alexander, "callit the Cuke," flesher in Edinburgh, 527.
—— Alexander, "callit the Cow," flesher in Edinburgh, 527.
—— Edward, miller at Kirk-michaell, 614.
—— James, appears as procurator, 82.
—— James, provost, of——, 688.
—— John, merchant burgess of Edinburgh, 82, 91.
—— John, flesher, 527.
—— Mr John, minister at Liberton, 829.
—— Margaret, in Hungriehills, 391.
—— Patrick, son of Adamson, provost of——, 688.
Adie, Robert, in Duncow, 613.
Adieson, Archibald, bailie of Edinburgh, 111, 155, 161, 283.
—— James, at Pittenweem, 791.
Adinstoun, Michael, flesher, 527.
Adjournal, Books of, 179.
Admiral, the (of England), 206, 419.
—— the (of Scotland), 597. *See also* Lennox.
Admiral-Clerk, office of the. *See* Young.
Admiral-Depute. *See* Drummond of Medope.
Admiralty, deputies in the office of the, their duties, 573.
—— of Orkney and Shetland, claimed by the Duke of Lennox, 231–2.
—— rights of, in Lochrian in Galloway; dispute between Gordon of Lochinvar and Kennedy of Bargany, 394–5, 622–3.
Adnistoun, Thomas, merchant burgess of Edinburgh, 18, 19, 472, 489, 544, 552.
Adrians, Joast, a Dutch admiral, 842.
Adultery, cases of, 68, 229–30, 467–8; act that it be punished with a fine, 283; commission for the trial of cases of, in the Middle Shires, 477; commission against persons guilty of, north of the Dee, 618–19.
Advocate, the King's. *See* Oliphant of Newton.
Affleck of Cumledge, George, sheriff-depute of Berwick, 414.
Agnew of Lochnaw, Sir Andro, Sheriff of Wigtown, 71, 90.
Ahannay of Sorbie, John, 71.
Aiken, James, in Duncow, 613.
—— John, at Paisley, 617.
—— James, at Paisley, 617.
—— James, in Culross, 492.
—— Thomas, in Wardlaw, 146.
Aikman, James, merchant tailor, burgess of Edinburgh, 145.
—— Mr John, minister at Twynam, 212, 384.
—— Thomas, process against, for treasure-trove, a "found hoord," 375.
Aikenhead, David, Dean of Guild of Edinburgh, 275, 415, 482; commissioner for the burgh of Edinburgh, 506, 572, 640, 641.
Ainslie, Anna, daughter of the late James Ainslie, 165.
—— James, burgess of Jedburgh (deceased), father of the above, 165.
—— James, merchant burgess of Edinburgh, tutor of Anna Ainslie, 99, 100, 115, 165, 409.
—— John, merchant, "callit the goodman burgess of the burgh of Jedburgh," 139, 142, 451.
Airth, John, at Anstruther, son of the late William Airth, 550.
—— William, burgess of Cupar, deceased, 550, 553.
Aitchison. *See* Achieson.
Aitken, James, at Leith, 356.
—— Janet, in Leith, spouse of Downie, 642.
Aldinston, Marie, relict of John Clavie, 160.
Aldoch, Patrick, the cautioners of, charged to exhibit his sons to the Council, 89, 105, 157, 220. *See* Macgregor.
Ale, two prices of ale in Edinburgh, 667.
Alensoun, Robert, clerk of Jedburgh, 379.
Alexander, Christopher, bailie of Stirling, 130, 193, 388, 460, 461, 509.
—— David, burgess of Dundee, 674.
—— George, in Aberlady, 426.

Alexander, James, merchant burgess of Dundee, late husband of Elizabeth Galloway, 139, 142.
—— James, against Wilson, 376.
—— John, "grinter" to the Earl of Abercorn, 618.
—— John, sometime in Arnetis and now in Brigend, 586.
Alexander, John, 163.
—— Maws, spouse of James Astie, 396.
—— (Oig), in Innergizeran, commission against, 60.
—— Robert, writer to the Signet, 484.
—— Robert, bailie of Anstruther, 550.
—— Robert, skipper in Burntisland, 634.
—— Thomas, servitor to Forbes of Lethintie, 82.
—— Thomas, in ——, 386.
—— of Menstrie, Sir William, ix, xv, lxxxix, xci; conditions of the infeftment of, and others, in their partnership in the silver mines of Hilderston, at Linlithgow, 15–17, 19, 146, 147; "ane signatour" passed in favour of, anent the refining of silver, 153, 221; admitted a member of the Privy Council, 358; account of his career and writings, 368–9 n.; signs in Council, 393; present in Council, 360, 362, 363, 364, 376.
Algeo, Peter, writer in Edinburgh, 629–30.
Algie (or Alie), John, burgess of Paisley, 18, 147.
Algiers, rescue of Scottish mariners from slavery at, 434–5.
Alison, John, indweller in Anstruther, 350.
Allan, Alexander, bailie of Stirling, 388.
—— Archibald, bailie of Stirling, 130, 841.
—— John, in Little Kinnaird, tenant of the Earl of Kinghorn, 596.
—— Laurence, in Queensferry, witchcraft alleged to have been practised upon, by Katherine Hill, 335.
—— Thomas, messenger, 615.
—— *alias* Laird Allan, 789–90.
Allardyce of Skeddowy, George, and his son and heir, Robert, 674, 687.
Allason, William, in Little Datoun, 668.
Almusair, His Majesty's. *See* Young, Sir Peter.
Alshunder, Alexander, at Kynedward, 66, 67.
Alter, Lady. *See* Cuming of Altyre.
Alves, Alexander, in Ardvey, 66, 67.
Amisfield, the laird of, Justice of the Peace for Dumfries, 677, 833.
Anderson, an alleged thief, 322.
—— Alexander, miller at Machernok Mill, murder of, 458, 475, 482–3, 523.
Anderson, Andrew, 812.
—— Andro, bailie of Perth, 342, 659.
—— Andro, an officer of the Admiral Depute, 350.
—— David, plumber and burgess of Aberdeen, contracts with the Treasurer-Depute to do repairs in Edinburgh Castle, 612–13, 637.
—— George, at Newbirnetoun, 38.
—— George, 351.
—— Gilbert, in Muretoun, 66, 67.
—— Grissell, at Dundee, 565.
—— Mr Henry, bailie of Perth, 65, 66.
—— James, against William Dunbar, 212.
—— James, in Norton, 345.
—— John, deacon of the tailors of Stirling, 8.
—— John in Over Kelly, 38.
—— John at Montrose, 118.
—— John, fined £40 for kicking his brother at the Council House door, 335.
—— John and David, children of the late Alexander Anderson, miller, 523.
—— John, 552.
—— John, sometime in Innerleitham, and now burgess of Edinburgh, 548.
—— John, baxter at Stirling, 632.
—— John, tailor at Stirling, 632.
—— John, citizen of Glasgow, 799.
—— John, servitor to Lord Forbes, 830.
—— John, in Newton, 841.
—— John and William, brothers, 832.
—— Patrick in Aber, fined £100 for resetting the Clan Gregor, 226.
—— Patrick, action against, 331.
—— Patrick, merchant burgess of Perth, 485, 490.
—— Thomas, a tenant of Ninian MacMorran, 98.
—— Thomas, servant to Leslie of Wardes, 387
—— Thomas, messenger at Cupar-Angus, also his brother Leonard, 558.
—— Thomas, at Mill of Donydene, 801.
—— William, apprehended for assault on a minister, 73–4, 91.
—— William, brother of John Anderson, 335, 351, 799.
—— William, in Boharm, 390.
—— William, in Grene of Tullibody, 573.
—— William, in Casiltoun, 794.
—— William, in Ridpeth, 841.
—— of Woodside, George, 658.
Andover, Royal Warrant dated from, 125.
Andro, Mr Alexander, a farmer of the King's Customs, 246; bids for the new tack, 620.

Andro, Braidis, father of Wattie Scot, 434.
—— John, a former clerk of the Privy Council, 23.
—— Jonet, relict of John Muir, 586.
—— Thomas, in Lasswade, 426.
—— Thomas, in Polton Mill, 138, 523.
Angus, commission of the peace for, 668–9.
—— John, an alleged thief, 322.
—— John, in Kirkland, 585.
—— Robert, younger, in east side of Over Carnbo, 468, 470.
—— Thomas, 212.
—— William, Earl of, feud with Sir Andrew Ker of Fernihurst, 152, 156; commissions of the peace to, 211, 266; commission of justiciary to, 283, 293, 375; has licence of Council to travel, 598.
Angussone, William, in Caithness, 197.
—— William, in Leodabister, 826.
Annan, burgh of, commissioners of the, 193; a proclamation at the market cross of, 199.
—— Harbert, at Dunscoir, 88.
—— James, servitor to George Gordon in Coultfauld, 24.
—— James, in Ellem, 787.
—— Patrick, in the Mains of Birnes, 249.
Annandale, stewartry of, 162; commission of the peace for, 162; hunting in, forbidden, 198–9.
Anne of Denmark, Queen of James VI., actions to recover rents due to, 38, 83; her servitor, Mr Mathew Hairstanes, 585.
Anstruther, Easter and Wester, charge to the burghs of, 192–3, *see* Stercovius. Commissioners of Easter Anstruther, 193; the minister of, 298; a fray on the shore of, 350; ward in the Tolbooth of, 550.
—— James, sent to Islay in charge of a petard, xl, lix, 550, 726–7; act in favour of his wife and children, 727.
—— John, clerk of Anstruther, 550.
Apnadall, Lordship of, 637.
Apthorpe, in England, royal warrant dated at, 627.
Arbitration, disputes submitted to, 112, 294, 304–7, 402, 406, 411, 468, 607–8. *See* Feuds.
Arbroath, charge to the burgh of, 192–3. *See* Stercovius; magistrates of, 351.
Arbuthnot, Alexander, son of the late Arbuthnot of Lentusche, charged with murder, 387, 800.
—— David, portioner of Auchtirforthir, 348.
—— Donald, 352.
—— Normond in Boighead, 801.
Arbuthnot of that Ilk, Sir Robert, Justice of the Peace in Kincardineshire, 67, 266, 625.
—— of Lentusche, James, deceased, 387.
Archer, John, in Cairco, 637.
Archibald, Andro, in Over Denmure, 433.
—— James, baxter at Stirling, 632.
—— Mr John, heritable proprietor of the lands of Kilpunt, 111, 123.
Archibaldson, William, in Mekle Datoun, 668.
Ardchattan, the prior of, cautioner for the laird of Auchinbreck, 332.
Ardgour, laird of, 347; lands of, 720.
Ardkinglas, laird of, in pursuit of Sir James Macdonald, 380, 489, 540, 763.
Ardmillan, the Goodman of, justice of the peace for Carrick, 833.
Ardnamurchin, the tutor of, 574.
Argyle and Tarbet, the sheriffdom of, 109; proclamations in the action against Cameron of Lochiel, 185–89, 264; missives to the bailies and chamberlains of the Earl of Argyle in, 335; in the service against the Isles, 364; a unanimous vote of Council that the levy of men for that service be restricted to, 364; proclamation for armed musters in, for service in Islay, 718–20, 720, 738–9, 741; proclamation for a general levy in, against Sir James Macdonald, 742; the sheriff and sheriff-depute of, 202–3.
—— Bishop of (Andrew Boyd), 44, n, 195–7; commission to, within the shire of Argyle, against resetters of the Clan Gregor, 263–4; appointed one of the commissioners of the new Court of High Commission, 437 n.
Argyle, Archibald Campbell, Earl of, v, xiv, xviii, xix, xx, xxii, xxiv, xxvi, xxxiv, xl, xlviii, xlix, l–lii, liii, liv, lvi, lix, lxxxix; in the service against the Clan Gregor, 31, 32, 43, 180, 807, 810; is absent from Scotland, 43; action against the Laird of Grant (Grant of Freuchie), 71, 138–9, 142, 213; King's letter to the Council in favour of, 813; report made by, anent the service against the Clan Gregor, 85; voluntary offer by, to pay to the King 22½ per cent. of all the moneys that have come to the said Earl, or may come to him, as entitled to the fines imposed upon resetters of the Clan Gregor, 96, 108–9; his part in a crown suit, with twenty other landlords of the MacGregor lands, 113–15, 133; is mentioned in a document of James Primrose, 818; other mentions of, 160, 171; his complaint against MacDougall of Dunolly for reset of the Clan

Gregor is dismissed by the Council, 176–7, 768; action by Colquhoun of Luss, his kinspeople and tenants, against the Earl, 177–9, the Earl is assoilzied in said action, being upon his oath, 179; action against, by Arnot of Fairny, 197; new commission to, and, in the Earl's absence, to Campbell of Caddell, against the rebels in Islay, 280, 280 n., 282; is absent from Argyleshire, 335, 346; his brother, Campbell of Lundie, refuses to undertake service in Islay in the absence of, 736; undertakes to contribute 250 men to the force sent in pursuit of Sir James Macdonald, 346, also one galley, 347; the Council write to the King, desiring him to send home the Earl, 350; the King's letters to the Council concerning a committee of Council to be appointed by the Earl himself, for his guidance in the service in the Isles, 753–4, 754–5; commission of lieutenancy to, in the Western Isles, 381; full copy of the said commission, 749–53; takes the castle of Dunivaig, and executes fifteen of the principal men of Islay there, 759; against the magistrates of Glasgow, to press a ship for the King's service, 401; letter from the Council to, conveying to him the King's instructions for the disbanding of the body of paid soldiers levied for service in the Isles, and the return of the King's shipping employed in that service, dated 4th November 1615, 757; sends in a report of his proceedings and successes in his expedition against the rebel Macdonalds, together with certain questions to the Council, to which the Council register their answers, 757–762; appears in person before the Council with his personal report of his proceedings in the Western expedition, his account of the present condition of the dispersed rebels, and his reference to the Council of certain questions of expense, &c., 435, 762–6; certain Highland prisoners delivered over to him for trial, and to be sent by him from Edinburgh to Dumbarton, 439; complaint against, by his creditors, 439; is cautioner for Macdonald of Largie, 766–7; MacAllaster of Largie in an action against Campbell of Lundie as representing the Earl, 441–2, 768–9; commits the charge during his absence of his affairs and his men to Campbell of Lundie, 769–71; the laird of Lundie refuses to act in the Earl's absence, 525, 540, 561, 771; two letters from the King to the Council, intimating the appointment of the Earl to the General Lieutenancy in the service against the rebel Macdonalds, 744–6; instructions by the Council to the Earl, with various regulations for the conduct of the service in the Western Isles, 746–49; anent tents lent to him for the service in Islay, 677; prisoners who were sent to the Tolbooth by, for their part in the rebellion of the traitor Macdonald, petition the Council for their liberty, and are ordered to remain in ward till they be released by the Earl, 678; action by MacDuffie, &c. against, 687; signs for Council, 87, 94, 96[2], 99, 100, 105[2], 107, 108, 109, 112, 119, 132, 152, 156, 180, 265, 829; present in Council, 87, 89, 91, 93, 96, 99, 100, 105, 107, 108, 109, 112, 113, 115, 124, 127, 132, 133, 135, 144, 153[2], 168, 169, 170[2], 171, 172, 174, 175, 180, 182, 210, 262, 381, 383, 431, 436, 746, 762.

Armour, Alexander, in Townhead, 787.

—— Cuthbert, in Langbrochtoun, 787.

—— John, Langbrochtoun, son of Cuthbert Armour, 787.

—— John, in Whiterig, and John, his son, 787.

—— Robert, younger, in Thridpairt, 787.

—— Robert and Edward, in Titwood, 787.

—— Robert, son of John Armour in Langbrochtoun, 787.

Arms, exercise of arms. *See* Wappinschaws.

Armstrong, John, in Tounsheilburnehead, 473.

—— John, 489.

—— Symon, herd of Robert Somervell, 116.

—— William, 515.

Arnot, George, at Auchtirderran, 839–40.

—— Hector, bailie of Falkland, 478.

—— James, 384.

—— James, bailie of Edinburgh, 415.

—— James, merchant burgess of Edinburgh, 436–9.

Arnot, James, farmer of customs, bids for the new tack, 620.

—— James, younger, councillor of the burgh of Edinburgh, 640.

—— James, bailie of Edinburgh, 640.

—— John, bailie of St Andrews, 82, 83.

—— John, commissary clerk of St Andrews, 106.

—— Robert, action by Ninian MacMorran against, 814.

—— of Birswick, Sir John, Provost of Edinburgh, member of the Privy Council, vi, vii, xiii; commission to, try the assay box of gold and silver, 37, 74; deputed to confer with the Bishop of Orkney, 51;

commission to, to consider and report on an overture of the Marquis of Huntly concerning the coining of some copper, 57; mentioned, 95; commission of the peace to, 223; is ordered by Council to see to the transport of Alison Simson, a nun, to Flanders, 237; anent the affairs of the town of Brem, 239; in Council business, 281; exhibits the Crown jewels to the Treasurer-Depute, and is discharged from further keeping of the same, 312, 321; list of documents appertaining to the affairs of, 354–5, mentioned, 370; present in Council, 11, 18, 20, 23, 29, 37, 44, 48, 55, 58, 60, 61, 62, 63, 65, 70², 73², 75, 78, 81, 85, 87, 89, 91, 93, 96³, 99, 100, 105², 107, 108, 109, 112, 113, 115, 144, 153², 169, 170², 171, 172, 199, 200, 201, 203², 204, 205, 206, 207², 209², 210³, 213, 215, 220, 230, 232, 236, 240³, 241, 242³, 243², 246², 247, 249², 251, 254², 255, 256, 261, 262, 267, 273, 276, 280, 287, 292, 293², 294, 295, 298, 312, 370.

—— of Colbrandispathe (Cockburnspath), William, 4; charged with repair of roads in Berwickshire, 543.

—— of Fairny, Robert, Chamberlain of Fife, 98, 99; commission of the peace to, 156, 265; against the Earl of Argyle and Campbell of Lundie, 197.

Aros, in Mull, 574, 772 n.

Arrest, prosecutions for illegal, 541, 550–1, 633, 636; violent resistance to a legal, by Lady Torthorwald, 443–4; of Creichton of Cluny, in St Cuthbert's Kirk, 553–5.

Arret, Duncan, late minister at Luss; his relict, —— Buchanan, 178.

Arroll, John, in Cashlie, fined 20 merks for resetting the Clan Gregor, 226.

—— Thomas, in Arochibeg, fined £50 for the same, 225.

Arthur, Mr John, Commissary of Edinburgh, appointed a commissioner in the new Court of High Commission, 437 n.

Artillery. *See* Ordnance.

Assaults: at Aberdeen, 2, 3; in the Canongate, 194, 523; in Coultfauld, 24; near Dundee, 342–3; in Dysart, 58–9; near Edinburgh, 106, 342, 615; at Lethintie, 59; at May bole, 129–30, 139; at Montrose, 58, 161; at St Andrews, 106–7; at Selkirk, 578; near Stirling, 97, 400; and deforcement, 24, 512; with riotous behaviour in church, 88; with violence, 159, 318, 588; with fire-arms, 249; and wounding, 292; and attempted murder, 496; acts of, and oppression, 573, 574; on the highway, 616–17; and violent release of cattle poinded for vicarage teinds near Paisley, 617–18; on a woman, 639; by a minister, 660; and manslaughter, 667; Grant of Wester Elcheis, fined for an assault in 1606, 796–7; other cases of, 40, 42, 84, 109–10, 112–13, 116–17, 117, 154–5, 161, 357, 359, 361, 371, 372–3, 376, 377, 385, 389, 390, 392, 396, 397–8, 400, 400–1, 408–9, 443–4, 447–8, 454–5, 460–1, 469, 478, 481, 487, 494–6, 496, 508, 510, 524, 526, 533, 539, 556–7, 557, 558–9, 581–2, 585, 586–7, 587, 590, 596, 602–3, 616, 617, 621–2, 633, 636, 643, 645, 648, 649, 650, 652, 661, 666, 785–6, 788, 789, 790–1, 799–800, 801, 802, 803, 804.

Assembly of the Kirk: the illegal, of, 1605, *see* Aberdeen; General, held at Aberdeen in August 1616, cii–cx, 580–1, 584; account of the proceedings of the same, 598–601 n., 639, 670 n., 672 n.

Assize-herring, 239.

Asslos, Robert, skipper in Leith, 415.

Asslowane, John, servitor to David Flesher, 59.

Assythment, 331, 351.

Astie, James, miller at the West Mill of Aberdour, and Maws Alexander, his spouse, 396, 401.

Atholl, flight of Sir James Macdonald through, 330 n.

Atholl, James, Earl of, reference to an obligation granted by, 508.

—— William, Earl of, formerly Master of Tullibardine, 50.

—— Dame Marie, Countess of, and her husband, James Stewart, caution for them that they will not repair to England, 274.

Atkinson, Stephen, an Englishman, royal grant of the mines of Crawford-muir to, 531–3; royal warrant to the Council to convert the above grant into a twenty-one years' lease of the same mines to, and his brother William, jointly, 626–7.

Auchinbrek, laird of, commission to, against Sir James MacDonald, 316, 332, 380, 489, 540. *See* Campbell of Auchinbrek.

Auchinleck, William, Provost of Dundee, 577.

—— of Balmanno, George, Justice of the Peace for Perthshire, 168, 170.

—— of Comlege, George, sheriff-depute of Berwick, 246, 260, 559.

Auchinros, John, bailie of Dumbarton, 792.

Auchmowtie, John, Master of the Wardrobe, warrant to, for the delivery to Mr Nicolls of

four of the King's beds, to be sent to England for repair and refurnishing, 624–5, 810.
Auchmowtie, Robert, servant of the laird of Wemyss, 452.
Auchterlonie, Gilbert, in Muredom, 397, 401.
—— Henry, in Middletown, 481.
—— of Cairny, John, cautioner, 140.
Aufurd (Alford), Brethren of the "Exercise" at, 87.
Auldirstoun, lands and barony of, 370.
Austen, Gilbert, 351.
Avenaugh, Allaster, 774.
Ayr, charges to the burgh of, 192–3. *See* Stercovius; 350; commissioners of the burgh of, 193; the magistrates of, 229–30; public penance in the kirk of, 367; ward in the Tolbooth of, 636; fair held at, in June 1616, 636; market cross of, 741.
Ayrshire, commission of the peace for, 204, 619; in the service against the Isles, 364; sheriff-principal of, 276.
Aysoune, William, in Smerovell, 830.
Aytoun, laird of, charged with repair of roads in Berwickshire, 543.
—— of Dynmure, Justice of the Peace, 156, 265, 432.
—— of Kynnaldie, Mr John, 477, 489.
—— of Over Grange, Mr James, Justice of the Peace for Fife and Kinross, 156, 265.

Bad, James, skipper in Leith, 415, 425, 496.
Badenoch, rebellion in the country of. *See* Cameron of Lochiel.
Badome, Jerome, in Findhorn, 443.
Bailies (burgh) of Anstruther, 550; of Arbroath, 345; of Burntisland, 372; of the Canongate, 72, 195, 456, 591; of Coldingham, 543; of Cupar in Fife, 659; of Culross, 390; of Dalkeith, 433; of Dunbar, 24; of Dundee, 117; of Dumbarton, 792; of Dumfries, 653, 655; of Edinburgh, 111, 155, 194, 242, 275, 283, 316, 392, 415, 438, 482, 542, 597, 640, 641, 648; of Falkland, 478; of Jedburgh, 583, 686; of Kinghorn, 67, 397; of Kirkcaldy, 147; "water bailie" of Leith, 698; of Montrose, 161; of North Berwick, 24; of Paisley, 18; of Perth, 65, 342; of Pittenweem, 791; of St Andrews, 82, 91; of Selkirk, 341, 421, 578, 793; of Stirling, 10, 130, 183, 388, 460, 461, 462, 463, 509, 541, 630, 841; of Wick, 827; of all the burghs, 271.
—— (land), of the Lordship of Apnadall, 637; in Atholl, 150; of Broughton, 3; of Carnwath, *see* Inglis, Thomas; of the barony of Coldinghame, *see* Melville, Francis, 27, 65; of the regality of Glasgow, *see* Stewart, Sir Walter; to the laird of Grant, *see* Grant, Neill, 53; of the laird of Kilsyth, 242; of Kirkmichael, 614; to the Earl of Linlithgow, 571; to Napier of Merchiston, 41; of the regality of Spynie, 650; of the regality of Stow, 72; to the Earl of Winton in Linlithgowshire, 571.
Baillie, John, "baxter," burgess of Edinburgh, 145.
—— Mathew, 489.
—— Moysie, a gipsy, 655.
—— Robert, natural son of Baillie of Little gill, denounced for assault, 419.
—— Thomas, in Spott, 425.
—— William, in Tortrevin, 146.
—— William, servitor to Patrick Dalgarnoch, 804.
—— of Bagbie, Alexander, cautioner, 614.
—— elder, of Carphin, James, 367, 484.
—— of Craig, James, 145.
—— of Eastertoun, Edward, 414–15.
—— of Lamyngtoun, Sir William, 180; Justice of the Peace, 211, 266; deceased, 388.
—— of Lamington, William, a minor, dispensation in favour of, 388.
—— of Letham, John, 621, 803.
—— of Little Dunragat, Thomas, 653.
—— of Littlegill, Matthew, Justice of the Peace, 211, 266, 419, 479, 490.
Bain, Kenneth, witness, 780.
—— William, servant of the Earl of Caithness, 826.
Baines, George, 469, 470.
Baird, Allaster, in Knokynen, 830.
—— James, servitor to William Hay, 494, 497, 499, 501, 502, 576.
—— John, brother-german to Oliver Baird of Kilquhenzie, 42.
—— John, servitor to Livingston of Greenyards, 633.
—— Michael, at Paisley, 617.
—— of Kilquhenzie, Oliver, 42.
—— younger of Kilquhenzie, Gilbert, 42.
Bailie, Thomas, 352.
Balbegind, the laird of, 315.
Balbeginoch, the laird of, 361.
Balcanquhall, Mr Walter, minister at Edinburgh, xciv, 829; reference to his death in July 1616, 582 n.
—— Walter, son of Mr Walter Balcanquhall, a fellow of Pembroke College, Oxford, and afterwards known as Dr Walter Balcanquhall, 582 n.

Baldavie, David, burgess of Montrose, deceased, 37.
—— Margaret, only daughter of the above, 37.
—— of that Ilk, James, 37–8.
—— Isobell, daughter of James Baldavie, and wife of David Baldavie, 37.
Balfour, Sir Andro, 123.
—— Captain, 213.
—— David, burgess of Kirkcaldy, 786.
—— Duncan, provost of St Andrews, 82.
—— James, servitor to the laird of Elphinston, 39.
—— James, servitor to Balfour of Pitculloch, 368.
—— Sir James, 387.
—— John, in Ballialtoun, fined for resetting the Clan Gregor, 103.
—— John, in Ballivuriche, fined for the same, 103.
—— John, in Lany, charged with murder, 424.
—— Sir William, 466, 469, 470; in military service in the Low Countries, quarrel with Captain Wishart, 476–7, 489.
—— of Burley, Lord, Michael, member of the Privy Council, vi, xliv., in a quarrel with the Lord of Scone, 60–1, 61; is committed to ward in the Castle of Edinburgh, for his conduct to the Lord of Scone, 61–2, 62, 68, 70, 73, 76–7, 90; submission of the quarrel to the Council, 92; is reconciled with the Lord of Scone, and is liberated from his ward, 92–3; readmission of, to his place in the Privy Council, 125, 132; commissions of the peace to, 156, 265; signs commissions, 242, 246, 275; present in Council, 240, 241, 242^2, 243, 246^2, 247, 254^3, 255, 261^2, 262, 273, 276, 280, 281, 490, 502^2, 507, 515, 522, 525^2, 529, 531^2, 533, 538, 548, 550, 605, 613, 619, 623, 627, 638, 639, 655^2, 658^2, 659, 660, 667, 701.
—— of Montquhany, Sir Andro, 96.
—— of Pitcullo, Sir David, Justice of the Peace, 265.
—— of Pitculloch, Sir James, 368.
Ballenden, John, 213.
—— Agnes, "sister uterine" of Weir of Blackwood, and daughter of Lady Corhouse, 785.
—— Dame Elizabeth, 124.
—— John, 591.
—— of Corhouse, father of Agnes Ballenden and step-father of Weir of Blackwood, 785.
—— of the Mott, James, 785.
Ballincreif, lands and barony of, in Linlithgow, 221.
Ballingall, Mr Walter, 98, 123; his son, John, 98.
Balmady, laird of, 529.
Balmanno, Alexander, appears as procurator, 652.
—— the laird of, 529.
Balmayne, laird of, Justice of Peace in Kincardineshire, 67.
Balmerino, James Elphinstone, Lord (ex-Secretary of State), deceased in 1612, 5, 59, 560, n.
—— James, Lord of, charge to, concerning the King's tapestry, 515, 521.
Balmonth, Lady. *See* Wischart, 38.
Balquhannan, Katherine, in Chantran, 178.
Balquhidder, the inhabitants of the district of, fined for resetting the Clan Gregor, 228.
Baltheyok, the laird of, 530.
Balvaird, Thomas, in Over Denmure, 433.
—— the laird of, 529.
Balzart, William, mariner of Leith, 434.
Bandean, against Home (witnesses), 124.
Bands: of the Earl of Errol, 35–6, 164; of the Earl of Craufurd, 171–2; of Alison Simson, a nun, to banish herself, 237; of James Lyon, 239; of Mr John Innes, at Caithness, broken by him, 328–9; of James Stewart of Jerusalem, 364; of Alexander Stewart, 452; of the Highland Chiefs, lvii, 588, 773–6, 778–80; betwixt the Bonnetmakers and Walkers of Edinburgh and of certain neighbouring mills, 589–90, 592; an unlawful, subscribed by the deacons of Stirling, 633; two bands by MacLeod of Harris, with his signature "Macleoid," 691; by the Earl of Caithness, 712; by MacLean of Duart, 727; by MacLeod of Harris, 727–8; by Archibald Campbell, agent of the King, 725–6.
"Bandit Staulffis." *See* Weapons.
Bane, John, in Delnabo, 404.
Banff (burgh), market cross of, 800.
—— (shire), Earl of Errol has leave to resort thither, 35–6; Lord Gordon's commission to, 445–6; pursuit of MacRanald of Gargavach in, by Lord Gordon, 577; levies in, 767; the sheriffs of, 202–3, 248, 404–5.
Banishment for life: Donald M'Leod, 100–1; Stewart of Jerusalem, 126–7 n., 318, 364, 369; Mr Robert Philip, 126–7 n.; Thomas Johnston at Brechin, 232–3, 235; Alison Simson, a Catholic nun, 237; Henry Milne and Mr William Scott, for gilding coin, 308, 309; Helen Erskine, for murdering her nephew, 172 n., 315, 321; Elliot of Prikeanhaugh and Elliot of Clintwoode in

the Middle Shires, for theft, 331–2; Malcolm Crawfurd, 367.
Bannatyne, Grissell, spouse of Lockhart of Cleghorne, 138.
—— Mr Patrick, in Edinburgh, 471, 472.
—— Robert, bailie of Edinburgh, 194.
—— Mr Walter, spouse of Jean Hamilton, 479.
—— of Corhouse, William, 7, 19, 51; Justice of the Peace, 211, 266; William (younger), 7, 19.
—— of Newtyld, Mr James, Justice of the Peace, 669.
Bannerman, ——, servitor of Bannerman of Elsik, 367.
—— John, brother of Bannerman of Elsik, 371, 796, 797.
—— Walter, brother of Bannerman of Nether Asleid, 248–9, 795.
—— of Balnagavis, John, 794.
—— of Elsik, Alexander, 367–8, 371, 375, 787, 795–6, 797.
—— of Nether Asleid, George, 248–9, 259, 787, 795.
—— of Watertoun, Alexander, 795.
Baptisms, act for registration of, in parishes, 687, 598–601 n.
Barbary, a Leith ship taken by Turks on the coast of, 434–5.
Barbour, Alexander, appears as procurator, 508.
—— George, at Dundee, servitor to Blair of Brinston, 565.
—— John, vicar of Natoun, accused of forgery, 524.
—— Thomas, 507–8, 514.
Barclay, Alexander, son of Barclay in Montrose, 37–8.
—— Alexander, merchant, burgess of Edinburgh, 117, 124, 129–30, 139, 142, 814–15.
—— Andro in Ravinschaw, 26.
—— David, son of Barclay in Montrose, 37–8.
—— Mr David, D.D., 588 n.
—— Elizabeth, mother of Edmestoun, in Comestoun, 511.
—— George, in Brigtoun, 511.
—— James, chamberlain to the Earl Marischal, 118–19.
—— James, burgess of Forres, 798.
—— John, burgess of Edinburgh, appears as procurator, 511.
—— Jonet, relict of Abraham Ross, 197.
—— Jonet, spouse to John Galt, commits suicide, 787.
—— Oliver, brother of Barclay in Maybole, 117.
—— Walter, in Kirktounhill, 511.
Barclay, William, in Montrose, 37.
—— Mr William, advocate at Aberdeen, 498, 500.
—— of Cullernie, Mr David, deceased, 406.
—— now of Cullernie, David, dispensation of minority in favour of, 406.
—— of Innergellie, William, brother to Robert Hay, 625, 640, 641.
—— of Towie, Patrick, 414, 800.
Bardiner, John in Blaklaw, charged with murder, 475.
Bargany, the laird of, 297, 298, 302, 361.
Barnbarrach, the laird of, 309, 551, 843.
Barnes, Matthew, merchant burgess of Edinburgh, 343–4, 352, 364, 375.
Barons, statement of the King's Advocate concerning the rights and privileges of a free, and the holding of baron courts, 129; charge to the commissioners for the Small, of the various shires, lxxvii, 502–3.
Barr, George, 91.
Barra, Isle of, dissension between the sons of "auld MacNeill," 817.
—— list of the islesmen of, who were denounced for harbouring fugitives from the Lewis, 5.
Barrels for herring, white fish, and beef, 578.
Barrie, John, in Gleubucket, 393.
Bartane, John, goldsmith, burgess of Edinburgh, 446; appears as procurator, 585.
Bartilmo, George, in Gullane, prosecuted for murder, 637.
—— Gilbert, baker, burgess of Edinburgh, 283.
—— John, son of Gilbert Bartilmo, charged with theft, 283.
—— Thomas, tailor, burgess of Haddington, prosecuted for murder, 637.
Bartrome, Barnard, messenger, 510, 514.
Basing, in England, royal letters dated from, 745.
Bass, the laird of, 549.
Bathcat, the parish of, in Linlithgow, 221, 571.
—— the laird of, Justice of the Peace for Linlithgow, 833.
Batie, Adam, in Logan, 116.
—— Andrew, cooper in Falkland, 98.
—— Rowie, 391.
—— Thomas, in Thirlstane Mains, 343.
Baxter, Augustine, in Blackhall, 796, 797.
—— Catherine, in Blackhall, 796.
—— Donald, in Mekle Suddy, 794.
—— George, 843.
—— Henry, 812.
—— John, tenant of Napier of Merchiston, 41.

Baxter, John, 212.
—— Jonet, in Blackhall, 796.
—— Robert, 272.
—— Thomas, burgess of Burntisland, 396.
Baxters of the Canongate, 90 ; of Stirling, 8.
Baylie, Mr James, 321, 352, 375.
—— Matthew, 321, 352, 514. *See* also Baillie.
—— William, 687.
Bayne, James, a Highlander, charged with stealing "ane brown turse horse," 488.
—— John, at Stradowne, 131.
—— William, litster in Dingwall, fined for resetting the Clan Gregor, 122.
—— William, servant of Sinclair of Catboll, 538.
—— of Logy, Allaster, fined for resetting the Clan Gregor, 54.
Beacons ("beikynis") used in war in the Western Isles, lii, 758, 759, 763.
Beanis, Andrew, in Over Kellie, 38.
—— David, in Over Kellie, 38.
—— John, elder, and John, younger, in Over Kelly, 38.
Beatie, Charles, at Montrose, 58.
Beaton, Agnes, spouse of Melville in Ardett, 376.
—— Mr James, 272.
—— of Balfore, David, Justice of the Peace for Fife and Kinross, 156, 265, 322.
—— of Creich, David (elder), Justice of the Peace, 156, 265.
—— of Creich, David (younger), Justice of the Peace, 84, 265.
Bedsteads, four of the King's, with their furniture, in the royal palaces of Scotland, sent to England for repairs in 1616, with description of each, 624–5.
Beef. *See* Victuals.
Beer (English), wholesale and retail prices of, imported into Scotland, lxxiii, 207–8 ; proceedings against merchants of Kirkcaldy for importing, 213, 786.
Bees, case of stealing, 212.
Beg, Davie, in Gymmonbie, 48, 469.
—— Hucheoun, in Stratherne, fined for resetting the Clan Gregor, 122.
—— Robert, fined £10 for the same, 149.
Beggars, commission against, 298. *See* Vagabonds.
Begsoun, Neill Finla, 823.
Bell, Archie, in Howcleuch, 468, 469.
—— Bessie, a madwoman, spouse of Wilson in Brownhill, 229–30.
—— Dandie, in Middleschaw, 468.
—— David, "callit Oiswellis Davie," 116, 117.
Bell, Davie, in Gavilburne, 468.
—— David, in Schawheid, 469.
—— Harbert, in Gavilburne, 468, 469.
—— James, in Castlemill, 468, 469.
—— James, commissioner for the burgh of Glasgow, 506.
—— Mr John, minister of Glasgow, royal commission to, 195–7.
—— John, butterman at Edinburgh, 426.
—— John, in Holmeheid, 468, 469.
—— John, in Serysyke, 468, 469.
—— John, in Newton, 468, 469.
—— John, in Glenalmond, accused of murder, 524.
—— Margaret, in Arnecreich, 38.
—— Patt in Newton, 468, 469.
—— Ranie, in Holmeheid, 469.
—— Richard, in Logan, 116.
—— Robert, committed to the Tolbooth of Edinburgh, 427.
—— Thomas, in Gymmonbie, 468, 469.
—— Thome, in Stephenbigging, 391.
—— Thome, Newtoon, 468.
—— Thome, in Brotschaw, 468, 469.
—— William, in Middleschaw, 468, 469.
—— William, in Holmeheid, 469.
—— of Godisbrig, Ranie, accused of assault, 116, 117.
Bells: action to recover possession of a church bell, 163.
Bellenden, Bellindane ; Adam, minister of Falkirk, appointed to the Bishopric of Dunblane in successor to Graham, 382 n. *See* Dunblane, Bishop of.
—— Agnes, relict of Bellindane of Pendreich, actions against, 66, 145.
—— (Ballenden), John, 552.
—— Mr Walter and his spouse, Jean Hamilton, 558.
—— of Pendreich, James (deceased), 66, 145.
—— now of Pendreich, John, son of the late laird, 66, 407, 547, 558.
—— of Stanehouse, Adam, 41.
Belshes, John, 234.
Bennistoun, Thomas, at Pittenweem, 791.
Bennet, Edward, in Kirkcaldie, 512.
—— John, messenger, at Dundee, 565.
—— Robert, servitor to Sir Mungo Murray, 586–7.
Bennie, Alexander, deacon of the "Websters" of Stirling, 8.
Berbissa, in the Lewis, the "strength and starting hoill" of Neill MacLeod, 4.
Berner, Gilbert, servitor to Robert Masterton, 390.

Berridale, William, Lord, son of the Earl of Caithness, licensed to travel, 292; feud with Lord Forbes, lxvii, 490, 541, 583, 802, 823, 826, in actions at law, 423, 830; warded in Fife for obstinate recusancy, 608–9, 651; King's letter to the Council concerning, 844.

Berwick-on-Tweed, death there of James Melville, 203, n.

—— shire, apprehension of a thief in, 57; the Sheriff-Principal of, and his deputes, 57, 107; certain towns and parishes in, charged with repair of roads in that shire, 543–4.

Belt, David, 470.

Betoun, Alexander, one of the ordinary deputes of the Admiralty, assoilzied on his oath of "not guilty," 350.

—— John, one of the King's Guard, 428.

—— of Carsgowny, David, 367, 431.

—— of Westhall, James, 367.

Biggar, Mr. Robert, minister at ——, assaulted by William Anderson, 73–4, 91.

Bigholme, David, in Banchorie, 422, 801.

—— William, son of David Bigholme, 801.

Billie, William, Clerk of the regality of Stow, 72.

—— Laird of, charged with repair of roads in Berwickshire, 544.

Binkis, Thomas, indweller in Queensferry, murdered, 200.

Binning, Alexander, 351.

—— Thomas Hamilton, Lord, Secretary of State, v, vii, viii, xiii, xvi, xx, lxiv, lxxxix, ciii, 14; on committees of Council, 28, 32, 37, 74; allusion to, as having held the office of King's Advocate in 1607, 95; mentioned in a royal letter as being Master of the Mines in Scotland, 95; certificate under the hand of, that Viscount Rochester took the oaths of supremacy and of a Privy Councillor in the King's presence at Finchburgh in England on October 18th, 1613, 157–8; elevated to the peerage, with the title of Lord Binning, lxxxviii, 174–5; account of his career, 175 n.; commissions and warrants to, 57, 296; against Ogilvie, 304 n.; against Moffat, 336–7; appointed one of the assessors to the Justice in the trial of the Earl of Orkney, 299 n., 300; acts as arbiter in quarrels and feuds, 294, 304–7, 646, 678–81; intimation by, to various officials respecting the disposition of honours and titles, 311; commissions of the peace to, 407, 833; subscribes the Royal Ordinance for the union of the two Courts of High Commission, 435 n.; appointed a commissioner in the new Court of High Commission, 437, n.; is absent at the English Court, 489; reappears in the Council, 502, 502, n.; is elected President of the College of Justice and President of the Privy Council at the death of Preston of Penicuik, 560, 560, n.; account of his previous career and succession to the Presidency of the Council, 560–1, n.; the first mention of him as President, 561; commission of justiciary to, in the North, 591; is assessor to the Earl of Montrose at the General Assembly of 1616, 598, n.; royal letter to, 745; other mentions of, 61, 258, 282, 296, 409, 477, 542, 589, 594, 619; signs for Council, 4, 5, 28, 68, 96, 107, 113, 132, 153, 161–2, 162, 164, 180, 197, 203, 204, 205, 206, 209, 211, 223, 229, 231, 241, 242, 251, 267, 271, 272, 275, 276, 283, 292, 300, 301, 309, 318, 322, 327, 332, 335, 336, 340, 345, 369, 374, 379, 388, 389, 393, 399, 401, 404, 405, 406, 419, 423, 435, 439, 492, 494, 547, 559, 590, 597, 598, 618, 637, 650, 665, 666, 667, 678, 717, 718, 757, 811, 817, 824, 825, 831; present in Council, 1^{3}, 5^{2}, 6, 11, 18, 20, 23, 29, 37, 44, 48, 51, 55, 58, 60, 61, 62, 63, 65, 68, 70, 73^{2}, 75, 78, 81, 85^{2}, 87, 89, 91, 93, 96^{3}, 99, 100, 101, 105^{2}, 107, 108, 109, 112, 113, 115, 119, 124, 127, 132, 133, 135, 142, 144, 148, 157, 159, 163, 164, 165^{2}, 166^{2}, 167, 168, 169, 170^{2}, 171, 172, 174, 175, 180, 182, 183, 184, 197, 198, 199, 201, 203^{3}, 204, 205, 206^{2}, 207^{2}, 209^{2}, 210^{3}, 213, 215, 218, 219, 220, 224, 230, 232, 236, 240^{3}, 241, 242^{3}, 243^{3}, 246^{2}, 247, 249^{2}, 250, 251, 252, 254^{3}, 255, 256, 261, 262^{4}, 267, 273, 276, 279, 280, 281, 283, 284^{2}, 286, 287^{2}, 288, 292^{2}, 293^{3}, 294^{2}, 295^{2}, 297^{2}, 298^{5}, 299^{2}, 300^{2}, 301^{2}, 302^{2}, 303, 304^{2}, 308, 309^{2}, 310, 311, 316, 318, 319, 323, 329, 330, 331, 332, 333, 336, 340^{2}, 341, 346, 348^{2}, 349, 350, 352, 354, 355, 357, 359, 360, 362, 363, 364, 369, 372^{2}, 376, 380, 381^{2}, 383, 389, 394, 395, 399, 402, 403, 405, 406, 407^{2}, 408, 409, 412, 413, 414, 419, 420^{3}, 423, 429, 430, 431, 436, 440, 502^{2}, 507, 515, 522, 525^{3}, 529, 531^{2}, 533, 534, 538, 540, 541, 543, 544, 547, 548, 550, 553, 555, 556^{2}, 559, 561, 565, 566, 573, 574, 575, 577, 582, 583, 584, 585, 587, 588, 592, 595, 602, 604, 605, 613, 619, 620, 623, 627, 638, 639, 647, 648, 652, 655^{2}, 658^{2}, 659^{2}, 660^{2}, 665, 667, 669, 674, 677^{2}, 681, 686, 701, 715, 746, 757, 762.

Birling, description of a, 347–8.

Birnie, William, in Rirorie, fined £20 for resetting the Clan Gregor, 143.

Birny, Mr William, parson ("persone") of Ayr, 195–7.
Birsbane, William, son of Birsbane of Roisland, 655.
—— of Roisland, Matthew, 618, 655.
Bishop, David, skinner, 790.
—— James, maltman, 790.
Bishops, the Scottish: their action in the matter of the Marquis of Huntley's excommunication and absolution, 561–4 n.
Bisset, Thomas, servitor to the laird of Gicht, 497.
Black, Mr George, minister at Dunscoir, 88, 91.
—— Mr John, 124.
—— John, 331.
—— John, messenger at Dumfries, 588.
—— Martin, servitor to John Arnot, 106–7, 123.
—— Peter, 212.
—— Thomas, late chamberlain to the Earl of Orkney, executed for treason, lxv, 297 n.
—— William, bailie of Anstruther, 550.
—— William, skipper of the ship of Anstruther called "The Grace of God," 788.
—— Valentine and Robert, alleged to be resetters of Jesuits in the town of Galway in Ireland, liii–iv, 759.
—— of Strathlome, Thomas, Justice of the Peace, 224, 707.
Blackadder, action against, by Brand, 592.
—— of Inzievar, John, 110.
—— of Tulliallan, John, 803.
Blackburn, Peter, bishop of Aberdeen. *See* Aberdeen, bishop of.
Blackhall, John, servant to the Earl of Errol, 36.
Blackhill, George, in Kingadie, 82.
Blacklaws, John, cottar, 173.
Blackmail, alleged attempt to levy, 360.
Blackwood, Thomas, smith in Kirklie, 586;
—— the laird of, committed to ward for rape, 199, 209, 224; his fine modified to £1000, 240. *See* Weir of Blackwood.
Blaikie, Hew, son of Thomas Blaikie, 515, 592, 596.
—— Patrick, warded in the Tolbooth of Edinburgh, 487, 492.
—— Robert, in Trabroun, 788.
—— Thomas, in Westhouses, and his son William, tenants and servants of the Earl of Lothian, 515, 590, 592, 596, 803.
Blair, ——, maltman in Dundee, deceased, 565.
—— Alexander, in Haltoun of Loncardie, 97, 123.
Blair, Donald Roy, tenant of Napier of Merchiston, 41.
—— Donald, in Blairstanemoir, fined for resetting the Clan Gregor, 103.
—— Donald, tenant of Graham in Blairvillochane, fined for the same, 103.
—— James, commissioner for the burgh of Ayr, 572.
—— Mr James, D.D., 588, n.
—— James, 591.
—— John, in Aberfoyle, fined for resetting the Clan Gregor, 102.
—— John, in Cullongartone, fined for the same, 103.
—— John, 300.
—— John, burgess of Edinburgh, 476, 489.
—— Margaret, spouse of Crawfurd of Kilburny and mother of Malcolm Crawfurd, sentenced with her son to do penance in public, 366, 799.
—— William, in Gartmule, fined for resetting the Clan Gregor, 101.
—— of Bathyok, —— Justice of the Peace for Perthshire, 168.
—— of that Ilk, Justice of the Peace, 204, 366, 619.
—— of Brinston, James, and his spouse, Sibilla Blair, 565.
—— of Tarsopye, William, 529.
Blankets, used in a house at Findhorn, 443.
Blantyre, Walter Scott, Lord, member of Privy Council, vi, xiv; appointed, with Lord Kilsyth, to arrange the quarrel between the Lords of Scone and Burley, 73, 76–7; appointed a commissioner in the new Court of High Commission, 437, n.; in an action against Crichton of Cluny, 508, 514; mentioned, 554, 585–6; commissions of the peace to, 211, 266, 406, 637; signs for Council, 4, 60, 76, 85, 87, 94, 112, 119, 152, 208, 209, 210, 219, 223, 231, 242, 251, 255, 369, 379, 423, 430, 465, 472, 473, 475, 478, 482, 484, 488, 492; present in Council, 1^{2}, 5^{2}, 6, 11, 18, 55, 58, 61, 62, 63, 65, 68, 70^{2}, 73^{2}, 75, 77, 78, 81, 85^{2}, 87, 89, 91, 93, 108, 109, 112, 113, 115, 133, 135, 144, 201, 203^{2}, 204, 205, 206^{2}, 207^{2}, 209^{2}, 210^{3}, 213, 215, 218, 219, 220, 230, 242^{2}, 246, 247, 249^{2}, 250, 251, 252, 254^{3}, 255, 316, 318, 319, 364, 369, 372^{2}, 376, 420, 425, 428, 430, 467, 468, 470, 472^{3}, 474^{2}, 475, 476, 477, 478, 479, 483^{2}, 485^{2}, 490, 494, 597.
Blantyre, Sir William Stewart, master of, Justice of the Peace for Perthshire, 168, 369, 585–6.

Blaquhan, the laird of, 82.
Bleenseillis. *See* Blinschell.
Bletso, in England, royal letter dated at, 595.
Blewhouse, David, a quack, consulted by the Erskines in the business of poisoning their nephews, 172, n.
Blindley and Gallowshiels, submission of feud betwixt, 335, 340.
Blinschell, Mr Umphra, advocate, procurator for the Earl of Errol, 35, 471, 472.
Blood money, £1000 offered by the Marquis of Huntly for the taking, exhibition, or slaying of Cameron of Lochiel; £500 for Ewne Cameron in Culdoir, and for John MacAllaster Roy, and £100 for every one of certain rebels named, 186–9; for capture, dead or alive, of John and Donald Calder, and others, 201–2; for capture, dead or alive, of Sir James Macdonald, 330, n.
Blyth, Christine, spouse of Alexander Hay, in Kirkcaldy, 512.
—— Mr Henry, minister at the Canongate, 89, 829.
—— Richard, son of the late Blyth of Craigie, 366, 375.
Blyth of Craigie, James, deceased, 366.
Boats, of eight oars, sent in pursuit of Sir James Macdonald, 347–8.
Boig, John Nicol, sons of Boig of Lochend, 790.
—— sometime of Lochend, Robert, 790.
Boigis, John, tailor in Irving, 586.
Boll, John, in ——, 179.
—— Patrick and Archibald, sons of John Boll, 179.
Bonar, Henry, indweller of Edinburgh, 155, 161, 163.
—— Rachael, daughter to the late Bonar of Rossie, 24, 26.
—— Robert, 545.
—— of Rossie, William, deceased, 24, 26.
Bonfires, prohibited, 650–1.
Bonjedburgh, the laird of, 128.
Bonnetmakers of the Canongate, against the Walkers, of neighbouring mills, 589–90, 592.
Bonyton, the laird of, 301.
Books and Booksellers, xc–xci; Book of Sederunts, 198 n.; importation of foreign books by the booksellers of Edinburgh, 252; act in favour of all booksellers, 260; act prohibiting the sending abroad of any books, writings, or pamphlets, on whatever subject, to be printed abroad, unless the same have been previously licensed by the two Archbishops, 339–40; publication of a catechism entitled "God and the King" (*Deus et Rex*), cvii–cix; commission to the Bishops to enquire and report upon, 521–2; enquiry into the authorship of, 522 n., 530–1; monopoly of the printing and sale of, granted to Mr James Primrose, 534–8; ordained by act of the General Assembly of 1616 to be taught as a catechism in all the schools, 600 n. *See* James Cathkine *and* Andrew Hart, booksellers of Edinburgh.
Booths (shops) in Edinburgh, 342.
Borders, the late, called the Middle Shires, lxxvi; commissioners of the Borders, 72; appointment of commissioners for the Middle Shires, with particulars of their salaries, 164, 165, 168, 176, 184, 198, 200, 239, 331–2, 445, 459, 469, 477, 847.
Borthwick, Alexander, 124.
—— Andro, merchant, 642.
—— George, 163.
—— William in Walderstown, 487, 488, 492, 514.
—— of Nether Lany, Alexander, 7, 19.
—— of Newbyres, James, cautioner, 688.
—— the Countess of, 224.
Boswell, Alexander, bailie of Kirkcaldy, 147.
—— Captain, 763, 764; the Earl of Argyle recommends him to the King's favour, 765.
—— David, brother of Boswell of Balmowto, 67, 510, 544–5, 545, 546, 591.
—— Elisabeth, at Auchterdirron, 839.
—— George, at the west mill of Kirkcaldy 544, 545.
—— George, servitor to Boswell in Kirkcaldy, 545.
—— Sir George, brother of Boswell of Balmowto, 545.
—— Issobell, spouse to Patrick Halkheid, 40.
—— James, brother of Boswell of Balmowto, 67, 510, 544, 545, 591.
—— James, 259.
—— John, bailie of Kinghorn, 397, 510, 544, 545.
—— John, brother's son to Boswell of Pittedie, 544.
—— John, in Kirkcaldy, 545.
—— John, brother of Boswell of Balmowto, 591.
—— Marie, sister of Boswell of Balmowto, deceased, 945.
—— Robert, servitor to Bruce of Blairhall, 361, 375.
—— of Abden, James, 545.
—— of Balmuto, Sir John, Justice of the Peace for Fife and Kinross, 67, 156, 265, 322, 510, 524, 544, 545, 591.

Boswell, of Craigside, John, 153–4, 163.
—— of Easter Craigincat, James, 544.
—— of Pittedie, John, Justice of the Peace for Fife and Kinross, 156, 265, 322, 510, 544, 544–5, 545, 591.
—— of Wester Craigincat, David, 544.
Botherstanes, George, 235.
Bothwell, Mr Francis, brother-german of the late Lord Holyroodhouse, slain in a feud near Tantallon Castle by Robert Douglas, 255, 267, 269–70, 271–2.
—— John, son of the late Lord Holyroodhouse, 272.
Bothwell, Lord John. *See* Holyroodhouse, Lord.
—— Earl of (the late forfeited), 518. *See also* Stewart, Francis.
—— Dame Douglas, sometime Countess of, instructions to the Lord Advocate to take proceedings for annulling the protection granted to, 153, 156, 163 ; prohibited from again appearing at the English Court, 217 ; license under caution to repair to her own estates in England, 224, 270.
Bowie, John, in Ballindalloch, 70.
—— Ronald in Largie, 735–6.
—— William, 123.
—— William, notary, clerk of the bailiary of Lauderdale, 428.
—— Mr William, schoolmaster at Haddington, 432.
Bowmaker, Issabell, wife of Adam Turnbull, 356, 375.
Bowman, Matthew, in Stobbilie, 618.
—— William, collier, in Cragoth, 117, 139.
Boyd, Agnes, 351.
—— Andrew, bishop of Argyle. *See* Argyle, bishop of.
—— Andro, in Loak, 84.
—— Andro, appears as procurator, 116.
—— of Bonshaw, Sir Thomas, 484.
—— Master of Boyd, Robert, deceased, 276.
—— Robert, now Lord, son and heir of the late Robert, Master of Boyd, dispensation of minority to, 275–6 ; assessor to the magistrates of Glasgow in the trial of Ogilvie, 305 n. ; Justice of the Peace for Ayrshire, &c., 619.
Boyle, Archibald, prisoner in the Tolbooth of Edinburgh, 335.
—— Mr John, banished from the burgh of Edinburgh, 169.
Brabare, John, in Crathie, accused of murder, 265.
Braemar, in Aberdeenshire, the property of the Earl of Mar, 265.
Braidfute, Henry, steward to William Moncrieff of that Ilk, 131.
Braidhead, James, in Grange, 341.
Braidie (Bradie), Gawne, in Darnholmshaw, 391.
—— John, burgess and indweller in Stirling, 130, 142.
—— Thome, in Darnholmshaw, 391.
—— William, 124.
Brand, William, 592.
Breadwood, Issabell, in Findhorn, 443.
Brebner, John, in the Cottoun of Pittachop, 84, 91.
Brechin, burgh of, references to, 23, 192, 459, 343 ; commissioners of, 193 ; commission to the magistrates of, 345; the Tolbooth of, 206, 233; public punishment of Thomas Johnstone in the stocks, for insolence to the Bishop of, 232–3; arbitration case at, 541–2.
—— Bishop of (Andro Lamb), against Lord Herries, 26, 44 n., 206; mentioned in Council as being Lord and Chief Magistrate of the city of Brechin, 232; takes the oath of Francis Ogilvie, who is absent through illness, 268, 275; commission to, 294; appointed one of the Commissioners of the new Court of High Commission, 437 n.; Justice of the Peace, 232, 668.
Bredach, Patrick, fined 100 merks for resetting the Clan Gregor, 151.
Breding, John, at Paisley, 617.
Brem, in Norway, complaint by the republic of, 239–40, 240, 247–8, 272.
Brewar, Sir John, against Lord Ochiltree, 90.
Bribery, accusations of, against the authorities of Glasgow University, 196.
Bridges: of Bothwell, toll for nine years at the, 533, 552 ; of Dee, at Aberdeen, case of assault upon the, 367–8, 371, 797 ; of Dumfries, over the Nith, repair of in 1616, 507, 514 ; of Erne, 529; of Tullibody, 555, 591.
Brig, William, in Kelly Mains, 38, 483.
Brisbane of Bishopstoun, Justice of the Peace, 637.
Broadcloth belonging to the King, 90.
Brodie, George, 376.
—— George, in Lochhills, 652.
—— (Brudie), John, tenant to Ninian M'Morran, the elder,
—— of that Ilk, David, Justice of the Peace for Elgin, Forres, and Nairn, and recorder to the Commission, 619.
Brokey, David, cottar, 173.
Brotherstanes, William, in Burnehouse, 487, 488.
Broughton, the regality of, 3.

Brown (Brune), ——, action against, 592.
—— Alexander, in Haymouth, 595–6.
—— Mr Charles, in Galloway, 816.
—— David, sadler, burgess of Edinburgh, 49.
—— Fair John, deceased, 790.
—— George, in Foulfurd, 790.
—— Gilbert, ploughman, 812.
—— Harry, in Leith, deceased, 451, 457, 790.
—— Helen, a gipsy, 655.
—— Hew, servitor to John Bruntoun, 310, 331.
—— James, in the Tolbooth of Jedburgh, accused of murder, 90.
—— James, in Calay, 137.
—— James, skipper in Prestonpans, father of John Brown, 342.
—— James, in Edinburgh, 492.
—— James, in Falkirk, 539.
—— James, in Gannochen, 585.
—— James, son of the late Brown of Molans, 617.
—— John, in Over Kellie, 38.
—— John, at Pittenweem, 234, 791.
—— John, seller of horn spoons, an alleged thief, 322.
—— John, in Edinburgh, 342, 352.
—— Mr John, 574.
—— John, son of the late Fair John Brown, 790.
—— Margaret, spouse of Sinclair of Blans, 406.
—— Marjorie, spouse of Robert Gray, 39.
—— Ninian, indweller in Leith, 452–3, 454, 470.
—— Richard, in Bonjedburgh, murder of, 90.
—— Robert, slain in a feud between Hepburn and Douglas, 255, 255–6.
—— Mr Robert, son of the late Harrie Brown in Keith, 451, 452, 457, 470, 790.
—— Robert, in Auldtown, 787.
—— Sibilla, in Glasgow, 586.
—— Thomas, miller at the mill of Preston, 400, 401, 402.
—— Walter, messenger in Carnwath, 137, 480.
—— Mr William, agent to the Council, 43, 195, 311, 321, 725, 726; Justice of the Peace for Peeblesshire, 73.
—— William, in Over Denmure, 432.
—— William, tailor in Glaspen, 587.
—— the laird of, in Fife, 529.
—— of Colston, George, 340; Justice of the Peace, 647.
—— of Corbillie, Gilbert, 26.
—— of Fynmouth, David, commissions of the peace to, 156, 265.
Brown, of Land, John, 154, 400.
—— of Lochhill, John, 654.
—— of Molans, John (deceased), 617.
—— of Shanelie, John, 654.
Brownfield, younger, of Eastfield, Alexander, 154.
Broyk, John, in Ardinch, 794.
Bruce, Andro, in Buthla, 117, 124.
—— Archibald, officer of Sir Robert Bruce of Clackmannan, 627.
—— George, in Clackmannan, 627.
—— James, at Kinghorn, 545.
—— John, 19.
—— Margaret, second daughter of Sir Robert Bruce of Clackmannan (deceased), 97.
—— Patrick, to be exhibited, 259, 591.
—— Mr Peter, D.D., Principal of one of the Colleges of St Andrews, 588 n.
—— Mr Robert, exiled minister, xciv.
—— Robert, in Clackmannan, 628.
—— Robert, in Colquharrie, 318.
—— Mr William, minister at Ayr, appointed one of the commissioners in the new Court of High Commission, 437 n.
—— of Airth, Sir John, 163, 431, 615, 616, 621, 651, 803.
—— of Ballintone, Alexander, 629.
—— of Blairhall, Robert, justice of the peace for Perthshire, 168, 361.
—— of Carnok, Sir George, Justice of the Peace for Perthshire, 168, 277; bids for the roup of the Customs, 620; is owner of a bark laden with salt to Lynn in England, 492.
—— of Clackmannan, Sir Robert, 97–8, 123.
—— of Cultmalundie, Lawrence, commission to, against Orkney rebels repairing to Shetland, 707.
—— of Fingask, Patrick, action against, for interrupting a funeral, 97–8, 100, 123.
—— of Kincavill, Sir John, sheriff of Linlithgow, 21, 28, 30–1, 42; Justice of the Peace, 401, 833.
—— of Simbester, William, Justice of the Peace, 224.
—— of Stamstell, William, 251.
Bruntfield, Alexander, 163.
—— Robert, 261.
—— Thomas, 515.
Brunthill, assault on the brethren of, by Gordon of Gicht, 555.
Brunton, Alexander, in the Denflett of Easter Pitcorthie, 106, 123.
—— John, candlemaker, burgess of Edinburgh, 310.
Bryce, Adam, in Bracho, fined £50 for resetting the Clan Gregor, 229.

Bryce, James, tailor, burgess of Hamilton, spouse of Marion Pitcairn, 665.
—— John, in Mugdok, 585.
—— John, in Blairquhoch, 585.
—— John, in Bracho, fined £20 for resetting the Clan Gregor, 229.
—— Wattie, in the Tolbooth of Dunblane, charged with witchcraft, 329.
Bryden (Bryding), James, armourer in Kelso, 472, 489.
—— Gaivin, in Dernschaw, 392.
—— John, in Bighills, 391.
—— Thomas, in Wanloppis, 391.
Bryson, Robert, in the Canongate, 591.
—— Thomas, tailor, burgess of Haddington, murder of, 637.
Buackis, Henry, servitor of Mr David Williamson, 660.
Buccleuch, Walter Scott, Lord, member of Privy Council, x, xv ; reference to the death of the late (1st) Lord of, in December 1611, and the succession of the present (2nd) Lord of, known previously as Master of Buccleuch, x, 464 n.; admitted of the Council by virtue of a warrant from the King, 464, 464 n. ; commissions to, 94, 153, 667 ; commission of justiciary to, 156 ; commissions of the peace to, 73, 162, 406 ; mentioned 542, 624 ; signs for Council, 465 ; present in Council, 464[2], 467, 468, 490, 502[2], 507, 515, 522, 525, 534, 538, 540, 541, 543, 544, 547, 548, 550, 556[2], 559, 605, 623, 627, 655[2], 658[2], 659[2], 665, 667, 673.
Buchan, John, servitor to Robert Alensoun, 379.
—— William, burgess of Arbroath, 397, 401.
—— of Auchmacry, Alexander, 248, 674.
Buchanan, Alexander, in Dronghie, fined for resetting the Clan Gregor, 103.
—— *alias* Genny, Allaster, in Gartocharne, fined 100 merks for the same, 226.
—— Allaster, in Glendie, fined 40 merks for the same, 227.
—— Donald, goodson to Jonet M'Farlane, fined 40 merks for the same, 226.
—— Duncan, in Miltoun, fined for the same, 104.
—— George, tutor of James VI., xii, xiv, 676 n.
—— George, in Gartincaber, fined 20 merks for resetting the Clan Gregor, 226.
—— George, in Blair, fined £10 for the same, 225.
—— George M'Andro, in Blair, fined 20 merks for the same, 226.
—— George, in Torrandowne, fined for the same, 104.
Buchanan, Gillespik, in Tullingogill, fined for the same, 104.
—— John, in Portnellane, fined for the same, 104.
—— John, in Bruskanich, fined £10, and his son Walter fined 10 merks, for the same, 225.
—— John Beg, in Balinadewar, fined £20 for the same, 226.
—— Patrick, in Luss, 178.
—— Patrick, in Crenomich, fined £10 for resetting the Clan Gregor, 226.
—— Robert, in Bowquhassill, fined for the same, 104.
—— Robert, 163.
—— Robert and Andrew, 235.
—— Thomas, at the Kirk of Buchanan, fined £20 for resetting the Clan Gregor, 226.
—— Thomas, officer in the barony of Buchanan, fined 10 merks for the same, 226.
—— (Finlasoun) Thomas, in Gartmush, fined 40 merks for the same, 226.
—— Walter, in Rowchois, fined 10 merks for the same, 225.
—— Walter, in Salachie, fined 40 merks for the same, 225.
—— Walter, in Fuchlome, fined £80 for the same, 226.
—— Walter, in Bochastle, 424.
—— Walter, cooper in Dumbarton, 792.
—— Walter Dow, in Blairnavard, fined for resetting the Clan Gregor, 102.
—— William, uncle to the laird of Drummokill, fined 500 merks for the same, 226.
—— (no name), relict of Duncan Arret, minister at Luss, 178.
—— of Blairvokie, Walter, fined 200 merks for resetting the Clan Gregor, 225.
—— of that Ilk, Sir ——, xxi, 21, 28, 30–1, sheriff-principal of Dumbartonshire, 43 ; cautioner 89 ; one of the landlords of MacGregor lands, 114, 133, 170–1 ; justice of the peace for Dumbartonshire, 833.
—— of Cancrone, John, 482.
—— of Ibert, John, fined 50 merks, and Thomas, fiar of Ibert, fined 10 merks, for resetting the Clan Gregor, 226.
—— of Lany, Robert, 160, Justice of the Peace for Perthshire, 168.
—— of Portnellane, 482.
Buchart, William, burgess of Aberdeen, 118.
Buckholm, the laird of. *See* Pringle of Buckholm.
Buckingham, George Villiers afterwards Duke of, 676 n.

Buddell, James and James, two Englishmen, executed for horse-stealing, 414, 467.
Buffill, petition for liberty to make, 687.
Bull, Patrick, 397, 470.
Bullion, payment, into the Mint, of His Majesty's, lxxiv, 79, 230, 235. *See* Coinage.
Bulman, Bastian Henrikson, shipowner in Skiddam, 344.
—— Jacob Henrikson, shipowner in Skiddam, 344.
Burdoun, Mr James, minister at Mowthill, 833.
Burghs: lxxv–lxxvi, convention of, at Aberdeen, in June 1590, 23; at Kinghorn and Crail, 85; at Cupar, in 1609, 137; at Dunbar, in July 1613, 137, 138; at Edinburgh, in December 1613, 251; at St Andrews, in July 1615, 363; at Perth, in July 1616, 438, 506–7, 542, 572, 578, 640; postponement of a decree of Council against the, 5; decree of Council concerning the authority of the, in allowing customs, 9; the King's Advocate against the, for repayment to Mr Patrick Gordon of expenses incurred by him in the prosecution of Stercovius, 43, 164, 191–3, 251; mentioned as constituting "one of the three Estates of the Realm," 193; the dispute of the Duke of Lennox with the, anent the lifting of the assize herring in the North Isles, 231; commission to all the, 241; the western burghs called upon to take part in the expedition against the Isles, 350, 389; statement concerning the heritable rights and privileges of the, 419; appeal to the, in favour of James Fraser, 434–5; the question of monopolies in making red herring referred by the Council to the next convention of, 436–9; suit, in the name of the, against granting a monopoly of the same trade to Robert Hay, 640–41; act ordaining the magistrates of the, to concur with the Guard by taking arrested rebels off their hands, and committing them to burgh prisons, 580, 592.
Burials, act for registration of, 687.
Burley, Lord. *See* Balfour of Burley.
Burne, John, smith, burgess of Stirling, 193, 194, 541.
—— of Boprie, James, 475.
Burnett, taken "red hand" in the act of murder, 547.
—— Alexander, in Boig, 265.
—— Alexander, 445.
—— Samuel, merchant burgess of Edinburgh, 106.
Burnet, Thomas, servitor to Forbes of Lethintie, 82.
—— Thomas, in Torthome Loiche, 265.
—— of Campbell, Thomas, 688.
—— of Craigour, Alexander, 261, 424.
—— of Leyis, Alexander, Justice of the Peace, 266, 678, 688.
Burntisland, laird of. *See* Melville of Burntisland.
—— (burgh), 107, 192; commissioners of, 193, 209, 261, 329, 330 n.; the High Street of, 372, 373, 376; bailies of, 709; clerk of the burgh, *see* Wilson, Mr Andro; Mr William Watson, minister at, sequestrated by act and royal warrant, 429–30.
"Burrow ruidis," claim to the right of certain, adjacent to Kinghorn, 544.
Burrowman, James, his sons, Gavin and James, and his daughter Marioun, all colliers in Eisthouses, 389–90.
Busbie, Thomas, merchant in Ayr, usury case, 411.
Bush fishing, the question of, remitted by the Council to the Session, 302; King's letter anent, 298, 300.
Burt, Andro, notary and indweller in Perth, 18, 19.
Bute (shire), 264; in the service against the Isles, 364; Sheriff of, 739.
Butler of Kirkland, Mr. George, justice of the Peace, 647.
Butloch, John, in Cragane, fined for resetting the Clan Gregor, 102.
Butter, export of, 444.
Butter, David, wobster, burgess of Perth, 50, 65.
—— Patrick, "pedagoge" to the Marquis of Huntly's children, prosecuted for papistrie and reset of papists, &c., 576.
—— of Gormok, Patrick, justice of the peace for Perthshire, 168.
Buy, Donald, in Suddy, 794.
—— Duncan, in Plane, 97, 123, 814.
—— William, "bailie clerk of Lauderdale," 94.
Byres, John, treasurer to the burgh of Edinburgh, 415, 640.
—— Robert, merchant burgess of Edinburgh, 38.
Byron, Lord; his descent from the Gordons of Gicht, lxxix, 577 n.

Caddell, Thomas, in Catboll, 538.
—— or Calder, Laird of. *See* Campbell.
—— of Midvie, in Cromair, John, father-in-law of John and Issobell Forbes, 166–7.

Caird (Kaird), John, in Dingwall, fined for resetting the Clan Gregor, 54.
—— John, in Baledinan, fined £20 for the same, 151.
Cairncross, Robert, merchant burgess of Edinburgh, agreement with, for the use of an additional ship necessary for the Orkney service, lxii, 708, 711; 259.
—— (Cairncroce), Walter, 213, 260.
—— of Colmestie, William, 173.
Cairny, John, in Duncow, 446–7.
—— of Pittiecommoun, William, 97, 123.
Cairns, Cristopher, baxter, burgess of Stirling, 10, 632.
—— George, in Nether Cranstoun, 426.
—— John, collier, 27.
Caithness, shire of: proclamations in the action against Cameron of Lochiel to be made at the market crosses in, xxxvi, 186; sheriff of, 202–3. *See* Sinclair of Murchill.
—— Bishop of (Alexander Forbes), v, vii, xiii; sent by Council to confer with Lady Johnston, 29; a quotation from Calderwood anent the, 44 n.; witnesses the administration of the oaths of Supremacy and of a Privy Councellor to Viscount Rochester, 157; in an action against Caddell of Midvie, 166–7; commission to, for the apprehension of Jesuits, 251; appointed one of the Commissioners of the Court of High Commission, 437 n.; commission to, with other bishops, to examine and report on "God and the King," 521–2; in arbitration cases, 541–2, 646; in London, and witnesses the absolution of the Marquis of Huntly from the sentence of excommunication of the Scottish bishops, 562 n.; signs for Council, 96, 210, 242, 292, 329, 484, 488, 674; present in Council, 29, 37, 73, 75, 77, 78, 81, 91, 93, 96[3], 99, 100, 105[2], 107, 112, 113, 115, 144, 166, 167, 168, 169, 170[2], 171, 172, 180, 182, 203, 204, 205, 206[2], 207[2], 209[2], 210[3], 240, 241, 242, 246[2], 247, 249, 250, 251, 254[2], 255, 256, 288, 292[2], 293[2], 294[2], 295[2], 297, 298[3], 299, 300, 301[2], 327, 340[2],341, 348[2], 349, 372[2], 376, 423, 425, 428, 430, 431, 436, 483[2], 485[2], 490, 494, 515, 522, 531, 533, 534, 538, 540, 541, 592, 595, 602, 604, 605, 613, 619, 623, 627, 638, 639, 647, 648, 667, 669, 674, 677[2], 762.
—— George Sinclair, Earl of, lx, xiv, lxi, lxii, lxiv, lxvi, lxvii, cv; reference to his caution with the Earl of Sutherland and M'Ky to keep the peace, 78; actions against, by Lord Forbes, 823, 826, 249, 256, 828, 308, 490, 491, 514, 541, 552, 583, 802–3; royal letters to the Council concerning, and his son Lord Berridale, 844; craves that he and his followers may be exonerated from the pursuit of Cameron of Lochiel, 235; commissions to, for the pursuit of pirates between Peterhead and Shetland, 240–1, and for the apprehension of Jesuits, 251; promises to send over one hundred men for action in Orkney, 261, 701; is appointed lieutenant for suppressing the rebellion in Orkney, 262, 701-2, 702–3, 703–4; commission with fire and sword to, for the service against Patrick Stewart and the other Orkney rebels, 704–5; order of Council to pay for a surgeon to attend upon, during the expedition to Orkney, 707; consent of the Bishop of Orkney to assist, 710; instruction to, to nominate a Council to assist him with their advice in the Orkney service, 710–11; warrants to, for delivery of the strongholds of Orkney to Stewart of Killeith, 711–12, and to bring to Edinburgh all artillery and armour found in Orkney and Shetland, 712; band of, for the same, 712–13; warrant for delivery of ordnance for the service of, in Orkney, 709–10; an Inventory of the artillery, &c. delivered to, 713–14; signature of, to the same, 714; siege of the Castle of Kirkwall by, 274–5 n., 297 n.; renewed commission to, 715; commanded to destroy the Castle of Kirkwall, 276–7, 322; admitted a member of the Privy Council with royal warrant for the act, 278 and 278–9 n., 280; takes the oaths, 286; approbation by the Council of the, in the reduction of Orkney, with exoneration and indemnity to him for all done in that service, 289–91, 291 n, 319–20; report of, as to his service in Orkney, 293; King's letter to the Council allowing him to repair to court, 293, 319–20; cautioner for Patrick Halcro, 318; commission to, for apprehension of Mr. John Innes, 328–9, 331; sends a warrant to his brother, the Laird of Murkill, to keep the country of Caithness free of the rebels from Islay, 348; mentioned, 352; a royal letter to, and other Councillors, 745; action against, by MacCorkell, for imprisonment, 551; royal warrant for the warding of, with his wife and son, in some place in Fife, for their obstinate recusancy, 608–9, 584–5; charged to appear, 587; denounced for non-appearance, 611; signs for Council, 286, 292, 322, 329, 332, 345, 379, 482, 488, 825; present in Council,

286, 287[3], 288, 292[2], 293[2], 294[2], 295[2], 297, 299, 318, 319, 323, 327[2], 330, 331, 332, 333, 336, 340, 341, 346, 348[2], 349, 352, 354, 355, 357, 359, 360, 362, 363, 369, 372[2], 376, 381[2], 383, 746.

Caithness, Dame Gordon, countess of, accused with her husband of disaffection in religion, 584–5; charged to appear, 587; denounced for non-appearance, 611.

Calder (*see* also Caddell).

—— John and Donald, sons of Thomas Calder, in Delnie, prosecuted for fire raising and other crimes, 132; proclamation against, 201–3, 822.

—— Thomas, in Delny, fined for resetting the Clan Gregor, 54, 132, 201.

Calderwood: quotation from, in reference to a meeting of the Court of High Commission in April 1613, 44 n.

Caldwell and Rae, cited to appear, 321.

—— John, miller at Glenesland, 478.

Callander, lands of, in Menteith, 608.

—— Barony of, 650.

—— John, at Pittenweem, 791.

—— William, 212.

Calvie, John, burgess of Newburgh, cautioner, 366.

Cameron, Ewne, in Childoir, fellow-rebel of Cameron of Lochiel: reward offered for capture or slaughter of, 186, 189.

—— *alias* Bodache, John, 187, 189.

—— John, oldest lawful son to Cameron of Lochiel, 694.

—— of Glennevis Allaster, fined for resetting the Clan Gregor, 54, 187, 189.

—— of Lochiel, Allan, xxxiv, xxxv, xxxvi; under denunciation for various crimes, and in open rebellion, 184; proclamation to the lieges to rise in arms against, 185; offers of reward for capture of, 186; enumeration of his associates, 187; commission of fire and sword to the Marquis of Huntly against, 189–91, 202; his eldest son is placed in charge of Lord Madertie, 694, 212; the Earl of Caithness craves to be exonerated from pursuit of, 235; fines imposed on persons not joining in the pursuit of, 250, 259; summons against resetters of, 707.

Camlarge, the laird of, commission of the peace to, 204.

Campbell and Blunt, action against, by Crichton, 592.

—— Archibald M'Donachie, son of the tutor of Inneraw, 179.

—— Archibald M'Ewne M'Donachie, in Achecharne, 179.

Campbell Archibald, xi, xxi, xl, lxvi, liii, lxxii; memorial of matters agreed upon between the King and, (styled here "brother of the laird of Lawers"), 810; "servitor to the Earl of Argyle," 51; appointed Commissioner, with Archibald Primrose, for uplifting the MacGregor fines, 108–9; (*see* Campbell of Glencharradale) is in a commission of justiciary against resetters of the Clan Gregor, and is styled here "Mr. Archibald Campbell, Commissary of Argyll," 264; is appointed the agent of the King in the Highlands (styled here "brother of the laird of Lawers"), 724–5; report of, to the Council, in the name of the Earl of Argyle, of the Earl's proceedings in the Western Isles, together with questions addressed to the Council by the Earl (styled here "of ——"), 757–61; brings in six Islesmen, 414; proceedings against, concerning a monopoly granted to him by the King (styled here "brother of the laird of Lawers), 436–9, 591.

—— Colin, action against, by Lord Fraser, 259.

—— Colin, burgess of Glasgow, 510.

—— Mr. Donald, brother of Campbell of Cadell, cautioner, 332, 738, 739, 762.

—— Dougall M'Donachie, brother of Archibald M'Donachie Campbell, 179.

—— Sir Dougall, Extract of Act of caution for, 553.

—— Duncan, 90.

—— Duncan, in the Barony of Glenlyon, fined 50 merks for resetting the Clan Gregor, 149.

—— Duncan M'Ewne M'Donachie, brother to Lauchlane M'Donachie, servitor to Campbell of Inneraw, 179.

—— MacOlour M'Donachie, 179.

—— Sir Duncan, in an action against John Millar, 260.

—— George, in Cupar Angus, 558.

—— Gilbert, in ——, commission against, for witchcraft and conspiracy to poison, 180.

—— Gillespik Dow, in Portcaple, fined 10 merks for resetting the Clan Gregor, 225.

—— Hector, merchant burgess of Haddington, 370, 376.

—— Hew, in Kinloch, 376.

—— Hew, in Elvinshill, 587.

—— Hew, brother of Campbell of Overton, 636.

—— Isobel, in Crafertstoun, usury case, 411.

—— John, a previous bishop of Argyle, 44 n.

—— John, brother to Campbell of Lawers,

one of the landlords of the Clan Gregor, 133.
Campbell, John, in the Mains of Falscalyie, fined 400 merks for resetting the Clan Gregor, 149.
—— John Dow M'Gillespik VcCoull VcEane, in Acharne, 179.
—— John, 212.
—— John, precognition against, 272.
—— Lauchlane M'Donachie, servitor to Campbell of Inneraw, 179.
—— Matthew, servitor to Campbell of Overton, 636.
—— Mr. Neill, late Bishop of Argyle, commission to, against resetters of the Clan Gregor, 264.
—— Patrick, in the barony of Glenlyon, fined 100 merks for resetting the Clan Gregor, 149.
—— Patrick M'Donachie, in Acharne, "father bruther" to Campbell of Inneraw, 179.
—— Richard, 321.
—— Robert, Captain of Dunoon, commission to, against resetters of the Clan Gregor, 264, 763.
—— of Aberurquhill, Colin, in pursuit of Sir James Macdonald, 132, 330.
—— of Ardewinche, John, 132.
—— of Ardinaple, Colin, one of the landlords of the Clan Gregor, 133.
—— of Ardkinglas, Sir John, bailie of Cowell, and one of the landlords of the Clan Gregor xxii, xlviii, lvi; 133, 484, 686; in pursuit of Sir James Macdonald, 738, 740, 741, 769–71.
—— of Auchinbrek, Sir Dougall, bailie of Argyle, xxii, xlix, lv, lvi; 6; one of the landlords of Clan Gregor lands, 133; cautioner, 693; released from ward in the Tolbooth of Edinburgh for service against Sir James Macdonald, 316; 350, 484, 738, 739, 740, 741, 744, 758, 769–70.
—— of Boith, Colin, fined for resetting the Clan Gregor, 143.
—— of Bruchlie, Mr. William, 132, 212.
—— of Caddell (or Calder), Sir John, xxii, xl, xli, xlii, xlv, xlviii, lix, 202; one of the landlords of Clan Gregor lands, 133; offers a rent for Islay, and accepts a commission against Angus Oig, 280 n.; in the service against the Islay rebels, 279, and n, 280, 295, 716, 717, 718, 719, 720, 722, 723, 724; cautioner for Campbell of Auchinbrek, 332; promising diligence in the service against the rebels of Islay, 736; in the service in Argyleshire, 738; licenced to go to Court to deal with the Earl of Argyle, 739; commands the forces of Lorne in the expedition against the Western Isles, 758; is left by the Earl of Argyle in possession of the Castle of Dunivaig, 759, 762, 764, 765, 441; sheriff of Nairn, 443; commission of the peace to, 619; delivery of a petard and other war material into Edinburgh Castle by, 677.
Campbell of Cesnok, commission of the peace to, 204, 619.
—— of Clunes, Colin, 112, 132, 201–2.
—— of Croonane, George, justice of the peace for Perthshire, 168.
—— of Crunan, Alexander, commission of justiciary to, 668.
—— of Danna, Duncan, one of the Islay rebels, 733.
—— of Delles, Alexander, 132.
—— of Drums, Duncan, cited to appear, 330.
—— of Glencharradale, Archibald, commission to, with Archibald Primrose, for uplifting the fines imposed upon resetters of the Clan Gregor, xxi, 108–9. *See* Campbell, Archibald.
—— of Glenfalloch, Robert, and his brother John Campbell, sons of Sir Duncan Campbell of Glenurchy: exoneration and indemnity to, for all acts done in their service against the Clan Gregor, 47–8.
—— of Glenorchy, Sir Duncan, xxi, 47, 89; commission to, against poachers, 68, 95; one of the landlords of Macgregor lands, 114–15, 133; justice of the peace for Perthshire, 168, 300, 636.
—— of Glenlyon, Duncan, one of the landlords of Macgregor lands, xxi, 114, 133.
—— of Inverawe (Inneraw), Archibald M'Donachie, 179.
—— of Kellok, George, brother-in-law of Helen Graham, 353.
—— of Kethyk, Patrick, justice of the peace for Perthshire, 168.
—— of Kilberrie, Colin, li; commission to, against resetters of the Clan Gregor, 264, 758, 759; taken prisoner by Coll MacGillespik, 763.
—— of Kilmerfurte, Archibald, 694.
—— of Kilmichell, Colin, 763.
—— of Lawers, James, xxi, xxv, xxvi, lxxii, 43, 89; brother of Archibald Campbell, 437, 725, 810; undertakes the charge of the MacGregor bairns, 810, 87, 89; band of, 810; appears as one of the MacGregor landlords, 114, 115; in a commission against Calder and others, 132; summoned on Mac-

Gregor business, 133; in pursuit of Sir James Macdonald, 330; justice of the peace for Perthshire, 168, 439–40.
Campbell of Lochinyell, chamberlain of Lorne, 738, 740, 741.
—— of Lundy, Colin, brother of the Earl of Argyle, xlviii–ix. lvi; is charged with the service against the Clan Gregor, the Earl of Argyle being absent at the English Court, 43; action against, for debt, by Arnot of Fairny, 197; is released from a penalty of £10,000 incurred by him as cautioner for MacLeod of Dunveggan, 693; is sent in pursuit of Sir James Macdonald, of Islay, 330, 736; is charged with the command of the expedition, 346, 489, 769, 769–71; refuses the lieutenancy over the West Isles, 771, 514, 525, 539–40, 561; mentioned, 668, 768.
—— of Overton, David, excused for non-appearance before the Council, on certificate of sickness by his minister, 636.
—— of Rait, James, 132.
—— of Strathormik, Duncan, 132.
—— Lord. *See* Argyle.
Cameron, the Clan; reference to the determination of the "broken men" of the, to resist the transport of certain rebel prisoners from Inverness to the South, 209.
—— John (MacSorle Voir, *alias*), charged with horse-stealing, 439–40.
Campsie, the laird of, 530.
Campstoun, "tour, fortalice, and manor place of," 195.
Campvere, transport of passengers into Scotland from, 244.
Cannoneer, wages of a, 708.
Cannons, two sent to Orkney. *See* Ordnance.
Canongate, (burgh) bailies of the, 3, 591; ward within the, 63; ward in the Tolbooth of, 194, 614; the bakers of the, against the magistrates of the, for preventing the erection of a loft within the Abbey Church of Holyrood, 71–2, 90; the magistrates of the, 205, 471; a glazier of the, in trouble for practising his craft in Edinburgh, 456; reference of an Act of Council in favour of the wrights of the, 456; act against vagabonds in the, 470–2; measures for relief of the destitute poor in the, 480–1, 485; extract in Latin from the Record of the Council of the, 480–2; the bonnet-makers of the, 589–90, 614.
Canons, a Code of Ecclesiastical, proposed by the General Assembly of 1616, 598–601 n.
Cant, Mr. John, cautioner, 465–6.
Canterbury, Archbishop of, letter from the, to the Archbishop of St. Andrews, to justify his action in granting absolution to the Marquis of Huntly, 563–4 n.
Cantlie, Andro, in Ardiffrie, 499, 576.
—— Patrick denounced for the murder of Hay, 502.
Cara, Isle of, off Kintyre, 758.
Cardiners, lands and barony of, 374.
Cardrona, the laird of, 489.
Cardrum. *See* Johnston, Gilbert.
Caribdin, parish of, 571.
Carkettle of Liberton, Patrick, justice of the peace, 226, 379, 833.
Carlton, the laird of, justice of the peace for Carrick, 833.
Carlyle, Alexander, son of "Little Habbie," 444.
—— David, in Lynnis, 443–4.
—— Edward, son of Carlyle of the Heuch, 443.
—— Harbert, "callit Little Habbie," 443.
—— James, in Lynnis, son of David Carlyle, 443–4.
—— Michael, in Cocksfield, 444.
—— Robert, son of Harbert Carlyle of the Heuch, 443.
—— William, 91.
—— (Carlile) William, at Dumfries, 635.
—— of the Heuch, Harbert, 443, 444.
—— Dame Elizabeth. *See* Torthorwald.
Carmichael, Abigail, 591.
—— John, son-lawful and heir apparent to the laird of Maynes, against the Earl of Lothian for aliment in prison, 4, 19, 43, 108.
—— John, Yallowlees against, 234.
—— John, in Leith, 453.
—— Mr. John, one of the sequestered ministers in Fifeshire, xciv; 258, 588 n.
—— Dame Mary, 687.
—— Thomas, 212.
—— Walter, younger brother of the late William Carmichael, 95.
—— William, deceased, 95.
—— William, 260, 261.
—— of Abinton, John, 94.
—— the laird of, 592.
—— of Maynes, 108.
—— of Medowflat, eldest brother of the late William Carmichael, 95.
—— of Park, Walter, justice of the peace, 211, 266.
—— of Potticschaw, James, 105; required to exhibit the sons of Patrick Aldoch, 157.
Carnecroce, Nicoll, son of the goodman of Tolmeslie, 841.

Carnegie, against Scrimgeour, 235.
—— Mr. Patrick, chamberlain of Arbroath, 345.
—— Mr. William, brother-german of the late David Carnegy of Kynnaird, 154, 163.
—— William, skinner, burgess of Edinburgh, 365, 375.
—— William, procurator, 431.
—— of Athie, Sir John, justice of the peace, 668.
—— of Dunchen, Robert, justice of the peace, 668.
—— of Ethie, Sir John, one of the arbiters in a feud, 541–2.
—— of Kynnaird, David (late), 154.
—— of Kinnaird, Sir David, a Senator of the College of Justice: commissions of the peace to, 156, 265, 668, 345; appointed a Commissioner of the new Court of High Commission, 437 n.; created Lord Carnegie, lxxxviii, 514, 530, 539; assessor to the Earl of Montrose in the General Assembly of 1616, ciii, 598 n.
Carnwath, lands and barony of, 137, 210.
Carr (or Ker), Robert, Viscount Rochester. *See* Somerset, Earl of.
Carrick (Bailiary of), commission to the bailies of, 18; the bailie-depute of, 82; justices of the peace for, 204, 833.
Carrick in Ireland, commerce between Scotland and, 567.
—— Earl of. *See* Charles, Prince.
Carruthers, ——, Glendoning against, 212.
—— ——, Hamilton against, 592, 687.
—— Alexander, brother of Carruthers of Rammerskaillis, 668.
—— Andro, in Overdormont, 668.
—— Archibald, "callit Mongois Archie," 588.
—— Cuthbert, elder, and Cuthbert, younger, servitors of Robert Somervell, 116.
—— George, brother of Carruthers of Knox, 588, 668.
—— George, in Overdormont, 668.
—— Harbert, in Middleraw, 668.
—— James, in Little Datoun, 588.
—— John, son and heir apparent of Carruthers of Holmaynis, 8, 19.
—— John, in Dyke, 668.
—— John, warrant to transport his wife from the Tolbooth of Edinburgh to a Justice Court at Jedburgh, 28.
—— Malie, in Gymmonbie, 469.
—— William, 91.
—— of Butterquhat, George, 668.
—— of Holmaynis, John, 8, 19, 588.
Carruthers, of Holmendis, John, commission of the peace to, 162, 668.
—— of Knox, William, 588, 668.
—— of Rammerskaillis, John, 668.
Cars, John, at Pittenweem, 791.
Carslogy, the laird of, commission to, 291.
Cary, Thomas, burgess of Kircaldy, 786.
Cashogill, the laird of, called also the goodman of Cashogill, 592; justice of the peace, 833.
Cassillis, the tutor of (deceased), alleged murder of, 809.
—— John Kennedy, 5th Earl of, Member of Council, v, xiv; action by, against Kennedy of Blairquhan and MacIlveane of Grummett, 40, 42, 43, 82, 91, 351, 361; action against, by Corrie of Kelwood; committed to ward in Edinburgh Castle, 25, 140, 142; relieved from ward for fifteen days, 60, 111; commission of the peace to, 204; mentioned by the Earl of Orkney as being his friend, 219; commission of justiciary to, 272; cited to appear, 297; feud with the Laird of Bargany, 298, 304–8; quarrel with Josias Stewart, 302; cautions for, 307, 309, 316; wardship of, 406; mentioned, 129, 809; signs for Council, 112, 119, 132, 180, 205, 248, 249, 251, 256, 286, 292, 301, 309, 318; present in Council, 112, 113, 115, 124, 127, 132, 174, 175, 180, 182, 183, 184, 197, 198, 199, 200, 203[2], 204, 205, 206[2], 207, 243[2], 246[2], 247, 249[2], 251, 254, 255, 256, 261, 262, 284[2], 286, 287[3], 288, 292[2], 293[2], 294[2], 295[3], 297[2], 298[5], 300, 301[2], 302[2], 303, 304[2], 308[2], 309, 311, 316, 319.
Castlemilk, Barbara Edward, Lady, 7.
Castlehill, the laird of, justice of the peace for Dumfries, 833.
Castles and stone houses: of Ardnamurchine, 737; of Aros, belonging to MacLean of Dowart, 821; Belvoire, licence signed at, by the Chancellor, 598; of Birsay, in Orkney, 259; of Caisillum, in Barra, belonging to MacNeill, 821; of Carlisle, 812; of Caymes, in Slaitt, belonging to Donald Gorme, 821; of Coll, belonging to MacLean of Coll, 821; of Crugiltoun, 173–4; of Dounakine, belonging to MacKinnon, in Skye, 821; of Duart, belonging to MacLean of Duart, 821; of Drymmayne, 833; Dumbarton, 259; of Duniskaith, in Slaitt, belonging to Donald Gorme, 821; of Dunivaig, in Islay, xxx, xlii, liii, lix, lxi, 262, 350, 441, 695–7, 710, 715, 722, 723, 724, 726, 727, 733, 734, 736, 749, 751, 752,

821 ; of Dunruissil, belonging to MacKinnon, 821 ; of Duntillon, in Trouternes, in Skye, "possessed without right" by Donald Gorme, 821 ; of Dunveggan, in Skye, belonging to MacLeod of Harris, 821 ; Edinburgh Castle, *see* Edinburgh ; the King's Scottish, 162, *see* Royal Residences ; of Kirkwall, lxii, lxiii, lxxxv, 275 n. 276, 289, 290, 728 ; of Kismule, property of MacNeill of Barra, 6 ; of Lochbowie, belonging to MacLean of Lochbowie, 821 ; of Lochgurmont, belonging to MacConeill, 821; of Sinclair, in Caithness, 826; of Stirling, *see* Stirling ; of Stornoway, in Lewis, 821 ; of Tantallon, 269, 270.

Catechism, proposed by the General Assembly of, 1616, 598–601 n., *see also* Books.

Cattanach, Farquhar, servant to Graham of Drenie, 496.

—— John, in the Hauch of Kilmorich, 220.

Cathcart, of Carleton, justice of the peace, 204.

—— younger of, John, justice of the peace, 204, 619.

—— Allan, Lord, spouse of Florence MacDougall, 155, 163 ; justice of the peace, 204, 619.

Cathkine, James, bookseller in Edinburgh, 252.

Cattle: lxxi; certain highlanders prosecuted for stealing, 59–60 ; spulzie of, 81, 173, 812 ; mutilation of horses and, 132 ; prosecutions for stealing, 152, 414, 421, 636 ; a raid, by Cameron of Lochiel and his people, of 800 kye and oxen, 3000 horses and mares, 1200 sheep and goats, &c., the property of certain persons named, 189 ; slaughter of lambs prohibited during seasons of severe weather, 312–13, 323, 475–6, 527 ; export of nolt and sheep forbidden, 313 ; slaying of lambs and exportation of bestial forbidden, 321, 323 ; stealing of, by highlanders, 344 ; mutilation of, 447 ; poinding of, for debt, 455 ; the worth in money of a mare, 468 ; impost on, 555, 582 ; "ky and stirkis," 618 ; act for removing all, feeding in the King's Park of Holyrood, in preparation for the King's visit, 681–2.

Caution: between parties in case of feud, 268 ; modification of, for John Gordon, 348–9 ; action for reduction of, 635–6 ; forfeitures of, 802, 803, *see* Fines.

Caverhill, Andrew, in Pirnetatoun, 487, 488.

Chaip, William, 591.

Challenge to combat, 90, 201; "cartallis and challenges of provocation" sent by the Douglases of Drumlanrig to various noblemen, 252, 253, 254 ; between Glendonings of Partoun and Drumrasche, 533; between Woods of Bonytoun and Fettercairn, 688.

Chalmers, Chalmer, Chamber: Alexander, bonnet-maker of the Canongate, 590, 614.

—— Arthur, in the Kirktoun of Kinnear, 486–7, 490, 652.

—— Mr. John, minister at Achtirdirron, 839.

—— Mr. William, keeper of the Register of the Treasury, 311.

—— of Sandiefurde, Mr. John, justice of the peace for Carrick, 833.

Chancellor, The. *See* Dunfermline, Earl of.

—— Hew, in Cathcone, 136.

—— James, brother of Chancellor of Shielhill, 136, 137.

—— John, gardener in Innerwick, 4.

—— John, son and heir-apparent of Chancellor of Shielhill, 138, 357, 354.

—— William, 260.

—— of Shielhill, William, tenant of the Earl of Mar, 136, 142.

—— fear of Shielhill, Robert, 136, 138, 142.

Chancery, the Director of, 502, 503.

Chapel Royal, documents relating to the, presented to the Council by John Gibb, 296–7. *See* also Holyrood House, Stirling.

Charles, Prince, son of James VI., vii, xxxvii; mentioned as being "Steward of Scotland," 18 ; Sir Andrew Ker of Oxenham, called by the King to England, to attend upon the person of, 176 ; his various titles enumerated in a Council document, 275–6.

Charter chest, belonging to Strauchan of Thornton, 144.

Charteris, Alexander, in Craigscheill, 533, 552.

—— (Charterhouse), Maister Henry, 89.

—— (Chairtres), John, in Ridding Wood, 446.

—— John, 592.

—— (Charterhouse), John, "callit Crooked Johnne," in Crae, 371.

—— (Charterhouse), Jonet, at Dumfries, 650.

—— Robert, William, and Jonet, children of the late Sir John Charteris of Amisfield, 629.

—— of Amisfield, Sir John (deceased), 629.

—— (Charterhouse), of Amisfield, Sir John, son of the late Charteris of Amisfield, justice of the peace for Dunfermline, 73, 629.

—— (Charterhouse), of Suffok, John, 18.

Cheviot, hunting in, 165, 198, 459.

Cheyne, of Arnage, Mr. John, 248.
—— of Pitfichie, Mr. John, 267.
—— of Urley, Thomas, justice of the peace, 224.
Children: maintenance of the "bairns of the Clan Gregor," 87, 89, 171, 180; John and Issobell Forbes, nephew and niece of the Bishop of Caithness, 166–7; the eldest son of Cameron of Lochiel, "now in his young age," order for the exhibition of, before the Council that he may be removed from the society of his father, now under denunciation for varions crimes, and in open rebellion, and may be brought up as a loyal subject, 184–5; exhibition of the bairns of Patrick Aldoch, 220; acts to forbid sending Scottish children or youths to be educated abroad in popish colleges or schools, 337–9, 352; articles of the General Assembly of 1616, having reference to the religious instruction of, footnote 598–601; act ordaining that the, of all the Island chiefs and of their principal clansmen be sent for their education to schools in the inland country, 777-8; the Highland Chiefs bind themselves to send their, to Lowland schools, 775; religious education of, enforced, 846–7.
Chirnside, Thomas, brother of the Laird of East Nesbitt, 642, 643.
—— of East Nesbitt, Sir Patrick, father-in-law of French of Thornidikes, 432, 448, 528.
Chirurgeons: in Edinburgh, 310; Dr. Arnott, 316; Lawtie, John, 316; Purves, Harrie, 523; Lyle, Francis (*see* Lyle); Mr. Clement King, 459–60.
Chop, Robert, in Little Carnbeg, 511.
Chopman, John, servitor to Forbes of Lethintie, 82.
—— John, servitor to James Grieff, 421.
—— Richard, citizen of Brechin, deceased, 414.
Chouslie, John, sometime servitor of the Laird of Kilsyth, accused of housebreaking, 242.
Christie, Chrystie; Davie, 321.
—— Gilbert, burgess of Montrose, 161.
—— James, 117.
—— John, "walker," at Bell's Mill, 614–15, 590.
—— Robert, burgess of Kinghorn, 510.
—— Thomas, in Duncruvie, 472.
Christhine, John, burgess of Aberdeen, 812.
Christison, Duncan, deceased, 292.
—— (Crystesoun), William, son of the late Duncan Crystesoun, "traveller" in Stirling, warded in the Tolbooth of Linlithgow, 292.
Church, Clergy, and Religion: incidents in the history of the, in Scotland, during the period included in this volume, xcii–cx; act relieving Mr. Youngson from his confinement on account of the affair of the Aberdeen Assembly of 1605, 5; measures for the strict observance of Lent, lxxi, xc, 11–12, 19, 218–19, 220, 304, 313, 458, 552; action against Johnston for contempt of the Bishop of Brechin, 28; the Bishops and the Court of High Commission, 44 n.; measures for rectification of the taxation of benefices, 55–7; Gordon of Newton under excommunication for non-conformity, 63–5, 65, 107, *see* Gordon; Stewart of Jerusalem, 65, 118, *see* Stewart; Robert Phillop, 126, *see* Phillop; death of the Bishop of Ross, 133 n.; the two Archbishops, 163; the Bishop of Caithness, 166; change of market days from Sundays to week days, 167; the Earls of Errol and Sutherland denounced for nonconformity, 169; death of James Melville, 20th January 1614, 203, n.; Gordon of Gicht, 206, *see* Gordon; prosecution of Patrick Abercromby for resetting Jesuit priests, 212; act regulating a universal celebration of the Communion once a year, on one and the same day, in all the parishes of Scotland, 215–17; the first universal celebration of the same in all the kirks of Scotland on 24th of April (Easter Sunday) 1614, 217 n.; Bishop of Orkney, 200; Bishop of Brechin, 232; Alison Simson, a Roman Catholic nun, apprehended in England, warded in Edinburgh Tolbooth, and sentenced by the Council to be transported to Flanders, 237; Archbishop of St. Andrews, 242; act prohibiting transport of Catholics from Campvere, 244; commission to apprehend Jesuits and seminary priests in Caithness, 251; five ministers of Fifeshire relieved from their ward, 258, 258 n.; band by the Island chiefs for their obedience in ecclesiastical matters to the regularly appointed ministers, and for co-operation with them in the service of the Kirk, &c., 699; attempted celebration of the Mass in Glasgow, 280; acknowledgment of the good service of the Archbishop, Archdeacon, and Magistrates of St. Andrews in apprehending Mr. James Moffat, 284, 284 n.; apprehension by the Archbishop of Glasgow of Ogilvy, a Jesuit priest, in that city; commission of justiciary against Ogilvie and his adherents to the Archbishop and certain members of

Council, 284–6, 286 n.; the Chapel Royal, 296; King's missive to the Council anent the torturing of Jesuits, 299; account of the prosecution of Ogilvie, the Jesuit, and of his execution at Glasgow in February 1615, 304–7 n.; Mr. Thomas Henderson "Advocate for the ministers," 308; celebration of the Communion required by proclamation, 316–7, and 317 n., 321; death of Archbishop Gledstanes, May 15th, 1615, 327 n.; Mr. William Watson, 327; Mr. John Innes, 328–9; Spotswood, Archbishop of Glasgow, appointed to the vacant Archbishopric of St. Andrews, 336 n.; the Jesuit Mr. James Moffat, his resetters, and also the entertainers of the lately executed Jesuit Ogilvie to be examined, by torture if necessary, tried, and punished by the Archbishop of Glasgow and five others, 336–7; act to forbid, under severe penalties, the sending abroad of Scottish children to be educated in popish colleges or schools, 337–9, 352; State licence required for books published abroad, 339–40; union of the parishes of Daltoun and Mouswald, 362; public penance of Malcolm Crawford and his mother, 366; assault on the minister of Dalkeith, 368–9; inauguration of Spotswood, in the Archbishopric of St. Andrews, 380, n.; Mr. John Malcolm, minister of Perth, examined before the Court of High Commission, 380 n.; inauguration of James Law, the new Archbishop of Glasgow, and promotions and translations among the Bishoprics of Scotland, following upon the removal of Spotswood to St. Andrews, 181–2 n.; oaths of allegiance and of homage to the King taken by the new Archbishops of St. Andrews and Glasgow in the Chapel of Holyrood, 411–12; Mr. William Watson at Burntisland, 420, 429, 448; the Council appeals to the Presbyteries, Kirk-Sessions, and other bodies for subscriptions to a testimonial to James Fraser, 434–5; Royal Ordinance for the Union of the two Courts of High Commission of St. Andrews and Glasgow, and appointing commissioners with powers to act, 435–7; list of commissioners, and supreme power of Spotswood in the Court, 435–7 n; suspension of horning against Mr. Clement King, doctor of medicine, for intercommuning with Jesuits, 459–60; two persons convicted of immoral conduct sentenced to be publicly scourged through the town of Edinburgh, 467–8; petition by the Bailies, Council, Ministers, Elders, and Deacons of the Kirk of Holyrood-house for a contribution from the inhabitants of the Canongate for relief of the destitute poor of that burgh, 480–81; the Chapel Royal of Stirling, 493; "God and the King," 521–2, 530–1, 534–8; death of Bishop Blackburn, 540 n.; submission of the Marquis of Huntly, the sentence of excommunication by the High Commission cancelled and absolution granted in England by the Archbishop of Canterbury, indignation of the Scottish bishops thereat, 561–4 n.; prosecution of Gordon of Geycht and his dependents, 575–7; General Assembly appointed to be held in Aberdeen in August 1616, 580–1; death of Mr. Walter Balcanquhal, 582 n.; the Earl and Countess of Caithness, and Mr. George Sinclair, ordered to appear before the Council to answer for their disaffection in religion, 584–5, 611; Doctors of Divinity at St. Andrews University, 588 n.; proceedings of the General Assembly at Aberdeen in August 1616 for the suppression of popery, confirmation by the Assembly of the Marquis of Huntly's absolution as already granted in England, changes in the system of the Kirk voted by the Assembly itself, and further changes suggested, but not insisted upon, by the King, 598–601 n; the minister of Killillane and his teinds, 618; assault on the minister of Forgound, 621, 636, 643, 645; petition of Mr. William Murray, parson of Dysart, for inquiry into his conduct with the purpose of removing from the King's mind a false impression of his disloyalty to the ecclesiastical system of Episcopal government now by law established, 845–6 and 845 n.; act to obviate an objection to confess or plead guilty taken by persons called before the Court of High Commission for recusancy or reset of papists, 647–8; prosecution of persons practising superstitions in the diocese of Moray, 650–1; the minister of Inneraritie fined for assault, 660; action by the minister of Mouswald for molestation, 668; act to establish Parish Registers throughout Scotland, for the regular record of marriages, births, and deaths, 669–70; act for enforcing previous acts against Jesuits, priests, trafficking papists, and recusants generally, with denunciation of death to Jesuits or priests once banished the country if they return from banishment, 670–1; act requiring the Archbishops and Bishops to appoint trust-

worthy persons to visit all outgoing and incoming ships, and take note of the passengers in them, so that the coming and going of Jesuits and priests may be prevented, with charge to all masters of ships not to sail with passengers, or disembark passengers arriving, till the ships are visited, 671; the King's anxiety for the religious education of children, 846–7; act ordering that there be an English school in every parish of the kingdom, and charging the Bishops with seeing to this provision so that all the youth may be brought up in religion, the English tongue universally planted, and the Irish or Gaelic extirpated, 671–2; act requiring all parents under specified penalties to use the ordinary means of instruction for their children, to see to their regular attendance on the catechisings and examinations of the parish ministers, and to present them duly for confirmation by the Bishop of their diocese, 672 and n.; act to prevent Jesuits and papists from practising physic in Scotland, 672–3, 673 n., 687. *For names and parishes of individual ministers, see* Ministers.

Churches (Kirks): of Auchterles, 800; of the burgh of Ayr, 229, 367; of Bendochie, 556; of Bennechie, 558; of Buchannan, 226; the Scots Kirk at Campvere, 244; of Coulter, 510; of Cramond, 89; of Crathie, 265; of Cromdell, 820; of Cruden, 494; of Dalkeith, 369; of Dalrymple, 117; of Daviot, 800; of Drymmen, 226; High Church of St. Giles in Edinburgh, 402, 492, 561 n.; of St. Cuthbert, 553, 554; of Fettercairn, 208; of Fordyce, 800; of Forgound, 621; of Fyvie, 800; Chapel of Gariouch, 800; High Kirk of Glasgow, 367; New Kirk of Glasgow, 367; the Abbey Church of Holyrood, 71–2; of Insche, 800; of Irving, 367; of Kilburny, 367; of Kilmacolme, 367; of Kilmahug, 104; of Kinghorn, 544, 545; of Kirkgunzeane, 396; of Kirkwall, 289, 290; of Leith, 21; Parish Kirk of Monkland, 398; Parish Kirk of Monyfooth, 349; of Mousholl, 375; of Mouswald in Annandale, 362; the New Kirk of Mouswald, 362; of Oyne, 387; of Paisley, 367; of Peterhead, 367; of Rait, 97; St. Ninian Kirk, 388; of Saling, 357; of Scony, 360; Chapel Royal of Stirling, *see* Stirling.

Circumvention, case of, 213.

Clachar, Thomas, in Bonassen, fined for resetting the Clan Gregor, 102.

Clackmannan, riot and assault on the lands of the Earl of Mar, by the inhabitants of the town of, 627–8.

Clackmannan, laird of, committed to ward in the Castle of Edinburgh, 100, 530, 814.

Clanchattan, Donald, commission agent, 132.

Clan Ranald, Chief of. *See* MacRanald of Keppoch. Captain of, *see* MacAllan.

Clans: *See* Cameron, Donald, Rannald, Gregor, Macdonalds of Sleat, Macdonalds of Islay, Kenzie.

Clapen of Carslogie, 372.

Clatt, in Aberdeenshire, change of market day in, 363, 375.

Clavie, John, the King's "ypothingair" (deceased), and his relict, Marie Aldinstoun, 160, 163.

Clayhills, Alexander, merchant burgess of Dundee, 25, 26.

Cleg, John, 843.

Cleghorn, James, 260, 272.

—— John, Thomas, Richard, Alexander, and Charles, "bairns and executors confermit" to the late Thomas Cleghorn, burgess of Peebles, 1.

—— Thomas (late), burgess of Peebles, 1.

Cleland of Foscan, John, justice of the peace, 266.

—— of Monkland, Sir James, justice of the peace, 266, 321.

Clerk of Council, *See* Primrose, James.

Clerk of Exchequer, *see* Hay of Whiteburgh *and* Duff, Alexander.

Clerk of Register, office of; reference to the resignation of Skene of Curriehill in 1612, and to the appointment of Sir Thomas Hamilton, 210–11 n. *See* Hay of Newton and Whitburgh, Sir Alexander; *also* Hay of Netherclift, Sir George.

Clerk-depute to the Clerk of Register, and Keeper of the Register of the Hornings, 841. *See* Skene, Mr. Alexander.

Clerks of Session. *See* Gibson of Durie, Hay of Easter.

Clerk, Clerich, Cleroche: Alexander, bailie of Edinburgh, 316.

—— Andro, appears as procurator, 528.

—— Andro, in Kinnear, 644.

—— Catherine, spouse of James Couper, 58.

—— David, in Suddy, 794.

—— John, servitor to Rorie MacKenzie MacAllaster, 496.

—— John, in Carveny, in the barony of Dolles, murdered, 410, 661.

—— John, in Overdormont, 668.

—— Robert, in Tortrevin, 146.

Clerk, Thomas, in Drumnacarrie, fined £100 for resetting the Clan Gregor, 148.
—— Walter, at Kinghorn, 545.
—— William, in Corneuall, 378.
—— William, son of the late Clerk, in Carveny, 410, 661.
—— of Balbirny, James, justice of the peace for Fife and Kinross, to, 156, 265, 322.
Clerkington, the laird of. *See* Cockburn of Clerkington.
Clerkson, William, 322.
—— Thomas, at Leith, 356.
Cletoun, David, in Laverockdale, 481, 489.
—— James, in Irvineshill, 365.
—— James, in Laverockdale, 481.
Closeburn, the laird of (elder), 651 ; justice of the peace for Dumfries, 833 ; the laird of (younger), 651. *See* Kirkpatrick.
Cluny, Forest of, 522.
—— Sir David, 90.
—— Patrick, at the Grange Pane, 666, 686.
Cluny, the laird of, 117, 514. *See* Creichton of Ruthvenis, Sir James.
Clynthe, Patrick, in Ardiffery, 497.
Coaches and carts, 542 ; coaches and horses, 543.
Coals and Coalheuchs : lxx ; dispute between Wood of Largo and Martin of Cambo as to their rights in certain coal-grounds, 5–6, 27; royal summons to a number of owners of collieries on the river Forth (called coal-heuchs), and to the provosts and bailies of certain burghs, to meet the Council, and advise as to the expediency of allowing the exportation of coal, 277–8, 280, 291, 292; commission to the Earl of Linlithgow and six others to survey the said coal-heuchs, and report on the same, 372, 374 ; report of the Commissioners, with an enumeration of the said colleries, 382–3; trial of John Henderson, suspected of having set fire to a coal-heuch, 332–3; action against Newlands of Kipps for mischievously flooding a coal-heuch, 464–5.
Cock (Cok), Patrick, in Newbigging, slain by Jackson of Wattery Butts, 342–3.
Cockburn (Cokburne), Andro, "foole" (deceased), 521.
—— Christopher, servitor to Lord Thirlstane, 811.
—— Harry, commissioner for the burgh of Haddington, 506, 572.
—— James, brother-german of Cockburn of Skirling, 367, 375.
—— Mr. James, burgess of Haddington and Depute-Sheriff of Haddington, 161.
Cockburn, Mr. James, son to Cockburn of Ormiston, obligation by, to keep the peace, 326, 329.
—— Jean, Lady Ravenscraig, 551, 553.
—— Mr. John, apparent of Ormiston, in a quarrel with Hepburn of Aulderstoun, 326–7.
—— Mr. Robert, sheriff-depute to the late Cockburn of Temple, 219.
—— Mr. Samuel, 91, 142.
—— Walter, now in Sconye, 359, 375.
—— William, brother to Cockburn of Tempill, obligation by, to keep the peace, 326, 329.
—— William, notary, portioner of Whiteland, 385.
—— William, 470.
—— of Claverhill, James, 385.
—— of Clerkington, Sir Richard, senator of the College of Justice, member of Privy Council, and Lord Privy Seal, v, xiii, 29, 37, 74; accepts the office of Sheriff of Haddington, 255, 256 ; commissions of the peace to, 266, 379, 833 ; commission of justiciary to, 340 ; appointed a Commissioner in the new Court of High Commission, 437 ; mentioned, 280, 296, 311, 647 ; signs for Council, 5, 51, 59, 87, 96, 162, 170, 203, 204, 231, 256, 275, 283, 329, 404, 435, 451, 465, 473, 477, 482, 484, 597, 598, 674, 717, 718 ; present in Council, 1^2, 5^2, 6, 11, 18, 20, 23, 29, 37, 44, 48, 55, 58, 60, 61, 62, 63, 65, 70^2, 73^2, 75, 78, 81, 85^2, 87, 89, 91, 93, 96^3, 99, 100, 105^2, 107, 108, 109, 112, 113, 115, 124, 127, 132, 133, 135, 144, 157, 159, 163, 164, 165, 166, 167, 168, 169, 170^2,171, 172, 174, 175, 180, 182, 183, 184, 197, 198, 199, 200, 201, 203^2, 204, 205, 206^2, 207^2, 209^2, 210^2, 213, 215, 218, 219, 220, 330, 236, 240^3, 241, 242^3, 243^2, 246^2, 247, 249^2, 251^2, 254^3, 255, 256, 261, 262, 273, 276, 279, 280, 281, 283, 284^3, 286, 287^3, 288, 292^2, 293^2, 294^2, 295^3, 297^2, 298^5, 299^2, 300^2, 301^2, 302^2, 303, 304^2, 308^2, 309^2, 310, 311, 316, 318, 319, 323, 327, 331, 332, 333, 336, 340^2, 341, 346, 348^2, 349, 352, 354, 355, 357, 359, 360, 362, 363, 364, 370, 372^2, 376, 394, 395, 402, 405, 406, 407^2, 408, 409, 412, 413, 414, 419, 420^2, 423, 425, 429, 430, 431, 441, 446, 448, 449, 450, 451, 455^2, 456^2, 458^2, 459, 460^2, 464^2, 466, 467, 468, 470, 472^3, 474^2, 475, 476, 477, 478, 479, 483^2, 485^2, 488, 490, 529, 531^2, 533, 534, 538, 540, 541, 543, 544, 547, 548, 550, 553, 555, 556^2, 560, 561, 565, 566, 573, 575, 577, 580^2, 581, 582, 583, 584, 585, 588, 592, 595, 605, 623, 627, 647, 648, 652, 655^2, 658^2, 659^2, 660^2, 665, 667, 669, 673, 674, 677^2, 681, 686, 762.

Cockburn, of Ormiston, Sir John, member of Privy Council and Lord Justice Clerk, v, xiii, 28, 126, 297, 170, 172, 199, 815; arbiter in feuds, 294, 304–7; appointed one of the assessors to the Justice in the trial of the Earl of Orkney, 299 n., 300; precognition against, 351; mentioned, 246, 271, 280, 289, 305, 315, 329, 691; signs for Council, 5, 132, 256, 336, 477, 482, 825; present in Council, 1[2], 5[2], 6, 11, 18, 29, 37, 44, 48, 55, 58, 61, 62, 63, 65, 70[2], 73[2], 75, 81, 85, 87, 89, 91, 93, 96[3], 99, 100, 105[2], 107, 108, 109, 112, 113, 115, 133, 135, 144, 153[2], 164, 165, 167, 168, 169, 170[2], 171, 172, 174, 175, 180, 182, 183, 184, 197, 198, 199, 200, 201, 203[2], 204, 205, 206[2], 207[2], 209[2], 210[3], 213, 215, 218, 219, 220, 230, 232, 236, 240[3], 241, 242[3], 243[2], 246[2], 247, 249[2] 251[2], 252, 254[3], 255, 256, 262, 267, 284[2], 286, 287[3], 288, 292[2], 293[2], 294[2], 295[3], 297[2], 298[5], 299[2], 300[2], 301[2], 302, 303[2], 304[2], 308[2], 309[2], 310, 312, 316, 318, 327, 331, 332, 333, 340, 342, 348, 349, 352, 354, 355, 357, 359, 360, 362, 363, 364, 370, 372[2], 389, 394, 395, 403, 405, 406, 407[2], 408, 409, 412, 413, 414, 419, 420[2], 423, 425, 429, 430, 431, 440, 441, 446, 448, 449, 450, 451, 452, 455[2], 456[2], 458[2], 459, 460[2], 464[2], 466, 467, 468, 470, 472[3], 474[2], 475, 476, 479, 483[2], 485[2], 488, 490, 502[2], 507, 529, 531[2], 533, 534, 538, 540, 541, 543, 544, 547, 548, 550, 553, 555, 556[2], 560, 561, 565, 566, 573, 575, 577, 580, 582, 583, 584, 585, 588, 592, 595, 613, 619, 638, 639, 647, 648, 652, 655[2], 658[2], 659[2], 660[2], 665, 667, 673, 674, 677[2], 762.

—— of Skirling, William, 367, 456.

—— of Tempill, Mr. Samuel, appointed sheriff principal of West Lothian, 21, 28, 30–1, 42; deceased, 219.

—— of Tempill, Francis, 326, 329.

—— Wester Monkrig, Mr. James, depute to Cockburn of Clerkington, 340.

Cochno, the laird of, justice of the peace for Dumbarton, 833.

Cockpen, Lady, 803.

Cockpoole, the laird of, justice of the peace for Dumfries, 833.

Cochrane, James, merchant burgess of Edinburgh, and spouse of Issobell MacNaught, 48, 365.

—— of Babachla, justice of the peace, 401, 426, 571.

—— of that Ilk, Alexander, justice of the peace, 637.

Coe, Martene Joris, shipowner in Skiddam, 344.

Coinage: lxxiv; lxiv; commission to the Chancellor and certain others of the members of Council for trying of the assay box of gold and silver 37; report to the Council by the Chancellor of the proceedings of the said commission, 74–5; warrant to the Master Cunyeour to coin the clippings of gold and silver found in possession of Walter Geddie of St. Andrews, 55; act prohibiting the currency of foreign copper coin, 57, 79–81, 809; commission to certain of the Council to consider and report on an overture of the Marquis of Huntly concerning the coining of some copper, 57; resolution of the Council anent the proposal of the Marquis of Huntly, 62–3; King's missive anent, 164; enforcement of acts against the circulation of foreign coins, or of decried coin of the realm, and specifying the prices of the same, to be delivered at the mint as bullion, 79–81, 90, 809; commission to apprehend Walter Geddie of St. Andrews, accused of clipping the coin, 85; act anent the machinery used in, 209; acts for the coining of copper into twopenny pieces, lxxxv–vi, 213–14, 236–7, 823–4, 824–5, 825, 825–6; charge to merchants and others requiring the import of bullion corresponding to their exports, and the delivery of the same to the King's mint at certain prices, lxxxiv, 230; banishment of Milne and Scott for gilding Spanish silver coins, 308, 309, 321; acts against the exportation of gold and silver coin, 243; proclamation against the gilding of foreign copper coin, 308; act to prohibit goldsmiths from gilding foreign pieces of silver, 321; discovery of various coins in a treasure-trove, 343.

Coishlie, Charles, poultryman, 790.

Coldinghame in Berwickshire, barony and bailiary of, 27; the inhabitants of, charged with repair of roads, 543.

Colin, George, slater in St. Andrews, prosecuted for refusing to do the King's repairs in Holyroodhouse, 607, 621.

Colinton, the laird of, 677; justice of the peace for Edinburgh, 833.

Coll or Coill, the laird of, 346, 347, 575, 579, 588, 626, 738, 739.

Collace, (Lady Mureton), Dame Margaret, spouse of Preston of Penicuik, 443.

—— of Auchinfercy, David, justice of the peace, 669.

—— of Bonymoone, John, justice of the peace, 668–9.

—— of Pitforky, Thomas, arbiter in a feud case, 541–2.

College, the Jesuits', at Gratz, 286 n.
—— of Justice, 99; Senators of the, appointed judges-delegate and commissioners of peace for Kincardineshire, 67; Peeblesshire, 72; Selkirkshire, 73; Dumfriesshire, 73; Fife and Kinross, 156, 265; Roxburghshire, 162; Perthshire, 168; Ayrshire, 204; Lanarkshire, 211, 266; Orkney, 223; Haddingtonshire, 379, 647; Linlithgowshire, 401; Edinburghshire, 406; Elgin and Forres, Nairn, and Ayrshire, 619; Renfrewshire, 637; assemblage of the Senators in Holyrood Chapel, 411-12; Lord Binning succeeds Preston of Penicuik in the Presidency of the, 560.
Collier (Coilyeour), William, in Scheredrum, 357.
—— (Coilyear), William, burgess of Kirkcaldy, 786.
Collieries in the Forth, lxx. *See* Coals.
Collison of Auchlunes, John, 678.
Colquhoun, ——, relict of MacIntailliour in Blairroill, 178.
—— Adam, in Porte, 178.
—— Agnes, relict of M'Kinlay, 178.
—— Agnes, in Finlas, 178.
—— Beatrix, relict of MacInturnour in Shymore, 178.
—— Daniel, in Porte, 178.
—— Daniel, in the Port of Rosdw, fined 20 merks for resetting the Clan Gregor, 226.
—— Gawin, in Craigintorrie, 178.
—— James, in Drumfeirne, 178.
—— James, 212.
—— John and Adam, sons to Colquhoun (elder) of Camstroden, 177.
—— Katherine, at Finlas, 178.
—— Marioun, in Chantrane, 178.
—— Patrick, in Porte (deceased), 178.
—— Patrick, in Bray, 178.
—— Peter, in Auchinvennell (deceased), 178.
—— Walter, in Cantran, 178.
—— of Auchintilly, Patrick, 177–9.
—— fear of Auchintily, John (umquhile), 177.
—— of Barnehill, Walter (umquhill) "guidsir" to Colquhoun, now of Barnhill, 177.
—— of Barnhill, John (umquhill), father of Colquhoun, now of Barnhill, 177.
—— now of Barnhill, Walter, 177–9.
—— of Camstroden, John, 177–9.
—— of Hill, John, 178.
—— of Inchvanoch, Patrick, fined £20 for resetting the Clan Gregor, 124.
—— of Luss, Alexander, xxi, xxiv; one of the landlords of MacGregor lands, 114, 115, 133; with his kinspeople and tenants against the Earl of Argyle, as responsible for a number of MacGregors and their associates who had committed slaughter and depredation on pursuer's lands, 177–9.
Colt, Silvester, wobster, burgess of Perth, 50, 65.
Colvill, Mr. Alexander, agent for the Earl of Argyle, 442.
Colvill of Cleishe, Robert, justice of the peace for Fife and Kinross, to, 156, 265; cited to appear, 277.
—— of Culross, James, Lord, xii, xvi; justice of the peace for Fife and Kinross, 156, 265; admitted of the Council, and takes the oaths, 582, 583 n.; present in Council, 582, 583, 613, 619, 638, 639, 652.
Commerce, trade and industries, lxix–lxxiv; *and see* Sweden and Norway, England, Ireland, Crafts.
Commissaries of Edinburgh. *See* Arthur, Mr. John, and Henryson, Mr. Thomas.
—— of Glasgow. *See* Hay, Mr. William.
—— of St. Andrews. *See* Wemyss, Mr. Henry.
Commissions: for visitation of the University of Aberdeen, 18; to dispense with minority for, of Archibald Stewart of Ardgowan, 18; to certain members of the Council for trying of the assay box of gold and silver, 37; to certain of the Council to consider and report on an overture of the Marquis of Huntly concerning the coining of some copper, 57–8; to appoint Sir Robert Dalzell to the Sheriff-Principalship of Dumfries, 68; to survey and value the lands of Huntingtower on their being surrendered back to the King by Sir Mungo Murray, 125–6, 142; to examine criminals and suspects under torture, 172, 336–7, 816; for the visitation of the University of Glasgow, and reclification of abuses there, 195–7; to James Hamilton, to maintain order among the workmen at the silver mines of Hilderston, with powers of justiciary in cases of theft at the mines, 221; to Sir James Dundas of Arniston, to hold an interim Sheriffship of Edinburgh, 239; to the Earl of Caithness, for the pursuit, capture, and punishment of certain pirates infesting the coasts between Peterhead and Shetland, 240–1; against Robert Stewart, son of the Earl of Orkney, 249, 697; of Lieutenancy to Campbell of Caddell, 279 and n.; for viewing and reporting on the Collieries on the Forth, *see* Coals; to certain barons in the North against beggars, 298; to Mackenzie of Cogach for the custody of highland

criminals, 300–1; against John Ogilvie, priest, 303; of Lieutenancy to the Earl of Argyle, 381 ; to the bailies of Aberdeen to take the oath of John Leith of Harthill in the Tolbooth of Aberdeen, 387–8; to Lord Gordon for taking order with the illegal wearing and use of firearms in the northern hires, 445–6; to the Earl of Lothian to be keeper of the wild fowl and other royal game round Edinburgh, 473–4; to the Bishop of Galloway, to reform the services of the Chapel Royal of Stirling, 492–4; to certain of the Bishops to examine a book entitled "God and the King," and report on its fitness for publication, 521-2; for surveying the King's property called the Torwood, 534; for repair of roads in Fife, Perthshire, and Berwickshire, 529–30, 543–4; anent the justices of peace in the North, 591.

Commissions to apprehend: Thomas Johnston for contempt of the Bishop of Brechin, and Thomas Lyon, for assisting in the said Johnston's escape, 28; Walter Geddie for coin clipping, 85; Robert Erskine and his three sisters for conspiracy to poison their nephews, 94; John Dickson, 153; Mr. John Innes, 328–9; Sir James Macdonald, escaped from the Castle of Edinburgh, 330, 330 n.; Douglas of Pinyerie, 579; Menon Hogg, 678 ; in cases of assault, 107, 621–2 ; assault and wounding, 292; of assault and violence, 318; of assault and slaughter, 405; of assault and manslaughter, 667; of cattle stealing and sheep stealing, 482; of fire-raising and mutilation of cattle, 132, 840; of carrying firearms, 379; of fire-raising, 451; of horse-stealing, 488; of alleged murder, 94–5, 156–7, 271–2, 309, 404–5, 424, 475, 539; of poaching, 68; in cases of riot, 153; of alleged witchcraft, 76, 180, 327, 388; for various offences, 42, 51, 59–60, 60, 180, 206, 209, 210, 213, 220, 223, 240, 241, 248–9, 251, 332, 345, 414, 430, 440–1, 445, 484, 555.

—— of Justiciary, lxxviii–lxxxiv : against persons accused of adultery, 229–30, 477, 618–19; in cases of cattle-stealing, 152, 636; to the Marquis of Hamilton, against criminals, 265; to the Earl of Monteith, against criminals, 301; against fishing poachers, 374, 423, 597, 665, 666; in a case of alleged fraud, 492; against certain gypsies and vagabonds, 132, 559; against highlanders, 208–9; for horse-stealing, 29, 414, 439–40, 559; against house-breakers, 242; against Alexander Park, accused of incest, 278; for murder and robbery, 249; for murder, 44, 68, 90, 156, 200, 205, 219, 245–6, 255, 272, 286–7, 369, 388, 482–3, 590; for manslaughter, 457–8, 475; against persons suspected of poisoning, 524, 584; for riots and assaults, 231; for sheep-stealing, 170, 340, 446, 472; for theft, 72, 108, 112, 113; 119, 209–10, 283, 291–2, 401, 419, 539, 547, 637, 650, 668, 674, 686; against Andrew Small, for theft, rape, and seduction, 267; for theft and reset of theft, 322; against alleged witches, 4–5, 28, 28–9, 231, 329, 335, 414, 478–9; against William Stewart, for various acts of wool-stealing by pulling the wool from sheep, 113; against two MacGregors, 162; to Lord Cranstoun, Sir Gideon Murray, William Seyton, and Sir Andrew Ker, in the Middle Shires, 164, 168; for the pursuit and punishment of John and Donald Calder and their fellow rebels, 202–3; against resetters of the Clan Gregor, 263–4; against John Ogilvie, the jesuit, 284–6, 286 n., 305 n.; against Moffat, the papist, 352; against John Scot, a Border outlaw, 399; against resetters of traitors in the North Isles, 605–6, 609; for trying the forestallers of the markets of herring in the parts north of the Forth, 625–6; against persons practising superstitions in the Diocese of Moray, 650–51; to the Tutor of Kintail and others for service against the remaining sons of Neil MacLeod and other rebels in the Lewis, 692.

—— of fire and sword : against Cameron of Lochiel and his fellow rebels, 181–9, 202–3; for the surprising of the Castle of Dunivaig, 262, 268 n.; to the young Laird of Kintail and the tutor of Kintail for the reduction of the Lewis, 271, 697; to the Marquis of Huntly, against Sir James Macdonald of Islay, 380, 490; to Mackenzie of Cogach and other chiefs for the pursuit of the fugitive rebels of Islay, 730–3, 609–11 ; to the Earl of Caithness, against Orkney, 704 ; against rebels repairing from Orkney to Shetland, 707 ; to Campbell of Auchinbreck and other leading men for the service in Argyleshire, 738–9, 739–40, 741; against the traitor MacRannald of Gargavach, 488, 513, 840; to the lairds of Lundy, Auchinbreck, and Ardkinglas, to pursue fugitive rebels, 769–71.

—— of the Peace: lxviii; for Kincardineshire, 67–8, 266; for Peeblesshire, 72–3; for Dumfriesshire, 73, 833 ; for Selkirkshire, 73 ; for

Fife and Kinross, 156, 265 ; for Roxburghshire, 162; for Annandale, 162 ; for Perthshire and the Stewartry of Menteith and Strathearn, 168 ; for Ayrshire and the Bailiaries of Kyle, Carrick, and Cunningham, 204, 833; for Lanarkshire, 211, 266 ; for Orkney, 223–4 ; for Haddingtonshire, 266, 379–80, 647, 833 ; for Linlithgowshire, 401, 833 ; for Edinburghshire, 406, 833 ; in the North, 591 ; for the Shires of Elgin, Forres, and Nairn, 619 ; for Renfrewshire, 637 ; for Angus, 668 ; Carrick, 833; Dumbarton, 833.
Commissioners of the King's Rents, 251, 380 ; of the Middle Shires, 399 ; in the United Courts of High Commission, 437 n.; of the burghs, 506.
Communion, act regulating that there shall in future be a universal celebration of the Holy, on one and the same day, in all the parishes of the realm, xcvi, 215–17 and 217 n.
Comptroller, office of. *See* Mar, Earl of.
Comrie, Alexander, in Mewy, fined 20 merks for resetting the Clan Gregor, 227.
Con, Patrick, flesher, 527.
—— of Auchrie, Patrick, 674.
Confession of faith, a new, proposed by the General Assembly of, 1616, footnote 598–601.
Congiltoun, Robert, in Pirnetatoun, 487, 488.
Conquergood, Alexander, in Over Liberton, 790–1.
—— Andrew, in Over Liberton, 790.
Contract : case of illegal, 32 ; of Thomas Foullis, with the treasurer-depute, 328 ; of the Council with Nicolas Stone of London for the repair of the Chapel of Holyrood House, 593–4; between the treasurer-depute and David Anderson, for repairs in Edinburgh Castle, 612–13 ; for lead, 328, 612, 637 ; cases of non-fulfilment of, 48–9, 384, 615.
Convention of Burghs. *See* Burghs.
Convocation, unlawful, 6, 124, 212, 273, 374, 391, 393–4.
Cook, John, in Kirkdron, 789.
—— William, messenger, 451, 826, 827, 828, 830, 840.
Cooper, Andro, writer, factor and attorney for William Skelton, 8.
—— Finla, in Balnakeill, fined £20 for resetting the Clan Gregor, 151.
—— Henry in Balcormo, 38.
—— Robert, at Kinbrakmouth, 38.
Cooper, Thomas, at Stirling, 632.
Copper, act for the coinage of, 213–14, 236–7. *See* Coinage.
Cordiner, David, in Meikle Suddy, 794.
Cordiners of Stirling and their deacon, 8.
Corhouse, the laird of, 309, 785.
Corn, customs upon imported, 243–4.
Cornwallis, Anne, daughter of Sir William Cornwallis, second wife of the Earl of Argyle, xlviii.
Corrie, Arthur, in Hilbek, 391.
—— David, brother of Corrie of Kelwood, 140.
—— George, to be imprisoned in the Castle of Blackness, for his part in a riot at Maybole, 82.
—— of Kelwood, George, 25, 40, 91, 140, 142 ; justice of the peace, 619.
Corsane, Agnes, at Dumfries, spouse of MacGowne, 635, 649.
—— John, Commissioner for the burgh of Dumfries, 572.
Corsar, Walter, in Touchgorme, prisoner in the Castle of Stirling, accused of murder 219.
Corstoun, Andro and Thomas, fleshers in Edinburgh, 527.
Corswall, John, at Paisley, 617.
Cosine, John, burgess of Kirkcaldy, 786.
Coulter, the Teinds of, claimed by the Earl of Linlithgow, 510.
Coultart, John, in Engilstoun, 396.
Council, Privy. *See* Privy Council.
Council and Session, law cases remitted by the Lords to the, 98, 465 ; the macers of the, 460 ; decree of, against persons accused of practising usury, 586.
Couper in Fife, market cross of, 368, 396.
Couper, Alexander and Robert, sons of the late Couper of Gogar, 83–4, 91.
—— Andro, writer at Edinburgh, 84.
—— James, and Catherine Clerk, his spouse, indwellers in the burgh of Burntisland, 58.
—— (Coupair), James, servitor to William Lillie at Kirkcaldy, 512.
—— Mr. William, bishop of Galloway, 44 n. *See* Galloway, Bishop of.
—— of Gogar, Adam (deceased), 83.
Coupland of Udach, Alexander, 802.
Court of High Commission, xcv; references to a meeting of, in April 1613, 44 n.; to a sitting of, at Edinburgh, in May 1613, 61; trial and escape of "James of Jerusalem" from, 65; "Publication of the Heich Commission of the Kirk," 132; warrant passed by the, in favour of the Earl of Errol, 272, 279;

Royal decree for the Union of the two Courts of, 435–7 n.; account of the two, for the Provinces of St. Andrews and Glasgow, their history and the powers entrusted to them, their consolidation into one court, with Spotswood and Law for co-equal presidents, 437 n.; Gordon of Gicht refuses to appear before the, 555; sentence of, against the Marquis of Huntly, 562 n.; prosecution of papists at the instance of the, 576, 645, 647, 648, 839, 840. *See also* Church and Religion.

Courts: the King's, or King's place of residence: *see* James VI.

—— called Lieutenant Courts, held in Orkney by the Earl of Caithness, 293.

Cousland, Euphame, late spouse of Robert Wedderburn, 486.

Coutts (Coutis), Adam, 545.

—— Daniel, 124.

—— (Coutis), Katherine, at Leith, 527.

—— Margaret, relict of Mr. Francis Bothwell, 272.

—— Thomas, writer at Edinburgh, lxvi, 734, 735, 780.

Cowan, Andro, witness, 400.

—— Andro, merchant burgess of Stirling, 460.

—— John, 460, 470.

—— Walter, bailie of Stirling, 630.

—— William, in Touchgorme, murdered, 219.

Cowen, Mr. Alexander, 768, 769.

Cowbardie, the laird of, 486,

Cowdon, Hew, at Dalkeith, 433.

Cowie, Alexander, at the Walkmylne of Corsindae, 318.

—— John, mariner, of Leith, 434.

—— William, 791.

Crafts: apothecaries, in Edinburgh, 310; armourers, in Edinburgh, 509, in Kelso, 472; bakers (baxters), in the Canongate, 71–2, in Edinburgh, 145, 283, 426, 666, in Stirling, 631, 632; bonnet-makers, in the Canongate, 589, 590, 614, in Edinburgh, 615; booksellers, in Edinburgh, 252; brewers (brousters), 121, 227, in Doule, 148, in Duthell, 120; butterman, in Edinburgh, 426; candlemaker, in Edinburgh; 310; coal grieve, at Airth, 629; colliers, 117, 139, 389; cooks, 218; coopers, in Stirling, 392, in Thurso, 830; cutlers, in Stirling, 400, 541; dag-makers, in the Canongate, 617, in Stirling, 193; fleshers, 218–19, in Edinburgh, 356, 395, 426, 527, in Glasgow, 798, in Kirkcaldy, 512; furrier, in Edinburgh, 803; gardener, at Thurso, 830; glazier (glasinwricht), in the Canongate, 456; goldsmiths, 651, in Edinburgh, 214, 321, 446; hammermen, in Stirling 541, 631, 632; hatmakers, in Edinburgh, 342, 426; joiner, in Wick, 827; litsters, 122, at Stirling, 460, 509; locksmiths, 193, 388; maltmen, 148, 632, 790; mason, in Couper, 558; "meilmaker," in Leith, 111; millers, 121, at Leith, 178; ostlers (oisler), 218, 225; plumber, in Aberdeen, 612; potters, at Dumfries, 635, 649, in Potterraw, 364; poultryman, 790; printer, in Edinburgh, 252; seedman, in Edinburgh, 310; shoemakers (cordinairs), in Drumnacarrie, 148, at Dumfries, 650, in Edinburgh, 478, in Kirkcaldy, 512, at Luss, 226, at Perth, 170, in Torthorwald, 443; skinners, 426, 790, in Stirling, 632, in Edinburgh, 154, 365; slaters, in St. Andrews, 607; smith, in Edinburgh, 708, 596; at Paisley, 618, at Stirling, 193; stablers (stabulair), in the Canongate, 138, in Edinburgh, 403, 426, 666; tailors, 404, 790, at Burntisland, 373, in Edinburgh, 138, 426, 451, 484, 652, at Haddington, 637, in Stirling, 632; walkers, 589–90, 592, 614–15; weavers (wobster), in Clarebald, 170, at Coriechoir, 227, at Montrose, 161, at Peebles, 473, at Perth, 50, 65; wrights, in Edinburgh, 708.

Craig, Archibald, younger, in Foulfurd, 709.

—— David, at the house of Garth, fined £50 for resetting the Clan Gregor, 152.

—— Gilbert, in Kirkland, 585.

—— Harry, 234.

—— John, 235.

—— John, "stabuler," burgess of Edinburgh, 666.

—— John, 686.

—— Robert, 796.

Craigbarnett, the goodman of, justice of the peace for Dumbarton, 833.

Craigfeid, William, servitor to Thomas Crombie, 845.

Craighall, the house of, 592.

Craignesh, Patrick, baron of, fined £20 for resetting the Clan Gregor, 151.

Craigy, Alexander, at Silver Dykes near Anstruther, 550.

Craigyhall, the laird of, 154.

Craik, James, in Gullane, prosecuted for murder, 637.

Crail, charge to the burgh of, 192–3. *See* Stercovius.

—— the minister of, cited to appear, 298.

Cramby, David, appears as procurator, 7.
Cranstoun, George, in Leith, 426.
—— John, King's missive to Council anent, 152.
—— John, appears for the lords in charge of the King's Tapestry, 521.
—— Robert, armourer, burgess of Edinburgh, 509, 514.
—— of Corbie, Patrick, 343, 352.
—— of that Ilk, also of Crailing in Roxburghshire, William, Lord, member of Privy Council, vi, xiv; commissions of the peace to, 73, 162, 406; one of the commissioners for the Middle Shires, 164, 249, 331, 812; a decreet of, 378–9; mentioned, 405; signs for Council, 152, 210, 242, 292, 440; present in Council, 5, 6, 63, 65, 105², 108, 109, 112, 144, 156–7, 167, 169, 170, 171, 172, 199, 205, 210, 236, 240³, 241, 242², 243², 246², 247, 254, 262, 284, 287, 288, 292², 298², 311, 331, 332, 333, 341, 352, 407, 408, 409, 425, 428, 430, 431, 440, 446, 448, 449, 450, 473², 490, 502², 507, 515, 522, 529, 531, 533, 544, 647, 648, 658, 659², 669, 762.
—— of that Ilk, Sir John, eldest son of Lord Cranstoun, 28, 332.
—— of Kirkhill, John, 509, 514.
—— of Moriestoun, Alexander, 405; cautioner, 422, 424–5, 432, 528–9.
—— of Oswalds, George, 425.
—— of Scaittisbus, John, justice of the peace, 647.
Craw, George, portioner of Flemyngton, deceased, 81.
—— James, 321.
—— Janet, relict of George Craw, 81.
Crawfurd, Alexander, 300.
—— Duncan, 213.
—— David, goldsmith, against certain persons whom he had employed to fish pearls, 651.
—— Elizabeth Scot, Lady, mother of the late William Carmichael, 95.
—— George, natural son of Crawford of Glennure, accused of theft, 113.
—— Hew, skinner, "outwith the West-Port," 426.
—— James, 123.
—— James, 352.
—— John, flesher, burgess of Edinburgh, 356.
—— John, servitor to Lord Binning, 619.
—— Malcolm, son of Crawford of Kilburny, prosecuted for rape, 351; fined £1000, 799; penance imposed upon him and his mother, Lady Kilburnie, 366–7; sentence of banishment from the kingdom, 367.
—— Marion, relict of Anderson, 523.
Crawfurd, Mr. Matthew, brother of the laird of Leifnoreis, 523, 366.
—— Robert, hatmaker in Edinburgh, 426.
—— Thomas, 545.
—— of Camlarge, William, justice of the peace, 309, 619.
—— of Carse, justice of the peace, to, 204.
—— of Dunduff, 93.
—— of Easter Tortrevin, James, 146, 147.
—— of Jordanhill, Hew, 408-9.
—— of Kers, justice of the peace, 619.
—— of Kilburny, John, 42; justice of the peace, 204, 321, 366, 369, 799.
—— of Lettertown, James, commission to, against resetters of the Clan Gregor, 264.
—— of Nether Skeldoun, Duncan, justice of the peace for Carrick, 833.
Crawfurd, David, Earl of, action against, by Rhynd of Carse, 59, 177, 171–2, 174, 213, 235, 300; a prisoner in the Castle of Edinburgh, 335, 335 n., 440; allowance of coal and candle to, 457, 551, 822.
Crawfurdmuir, the Lordship of, 119; the mines of, 626–7.
Creich, Thomas, at Kinbrakmonth, 38, 91.
Crichton, Antone, messenger, 790.
—— David, 351.
—— David, servitor to Williamson of Morestoun, 629.
—— James, merchant burgess of Edinburgh, 116, 124.
—— James, 212.
—— James, son of Creichton of Hetrik, 524.
—— John, 91.
—— John, 587, 592.
—— Patrick (deceased), brother of Creichton of Lugton, 66.
—— Robert, son of the laird of Cluny, 155.
—— Robert, 260.
—— Thomas, 375.
—— William, in Hill, justice of the peace for Dumbartonshire, 73.
—— William, brother of Creichton of Strathurd, 84.
—— William, base son of the late Lord Sanquhair, feud of, with Lord Sanquhar, lxix, 525, 542–3, 624, 638, 651.
—— of Cluny, Sir Robert, 24, 49, 87, 91, 97, 123, 154–5, 163, 175–6, 383, 508, 514; denounced for assault, 84, 508; committed to ward in the Tolbooth of Edinburgh for resisting arrest, 553–5.
—— of Hotrick, Thomas, 524.
—— of Lugton, David, 66, 291, 372; arbiter in a dispute, 398–9, 402; justice of the peace, 406, 484, 489.

Crichton of Ruthven, Sir James, actions against, 24, 49, 117, 124, 260; justice of the peace, 668.
—— of Ryhill, William, reference to a dispute between him and the late Lord Creichton of Sanquhar, 68; justice of the peace, 73, 73–4, 94, 165, 166.
—— of Sanquhar, Robert, Lord, deceased, 68.
—— of Sanquhar, William, Lord. *See* Sanquhar, Robert Crichton, Lord.
—— of Strathurd, John, 24, 26, 83–4.
Crie, Thomas, wobster at Perth, 50, 65.
Crokat, John, in Letathie, 341.
—— Robert, at Aber, fined 10 merks for resetting the Clan Gregor, 226.
Cromarty, sheriff and depute of, 202–3, 404–5.
Crombie, Thomas, writer, 845.
Cromlix, the laird of, 228.
Crooks, John, merchant in Kilmarnock, usury case, 411.
Crown: act for the production of the royal crown, sword, sceptre, and mace, with descriptions of the same, 312, 321; crown rights of ward, in case of minors, 406.
Crubrich, Ewne, in Tullichethill, fined £20 for resetting the Clan Gregor, 229.
Cruikshank, Andro, in Achnahandnet, 557.
Crystie. *See* Christie.
Cullen, burgh of, reference to, 23.
—— the laird of, justice of the peace for Carrick, 298, 809, 833.
Culross, burgh of, 192; commissioners of, 193; bailies of, 492.
Culzeane, Kennedy of, called the laird of, 82.
Cuming, Alexander, appeirand of Alter, eldest lawful brother of Cuming of Alter, 466, 664, 665. *See* Altyre.
—— Archibald, 401.
—— (Cumin), George, accused of harbouring and defending Issobell Cumin, 321.
—— Issobell, a rebel, 321.
—— James, actions against, 272, 552.
—— James, in Flooris, 798.
—— John, escaped from the Guard, 470.
—— Thomas, elder, 552.
—— Thomas, burgess of Forres, 798.
—— William, messenger, 70.
—— William, in Paisley, 617.
—— of Altyre, Thomas (deceased), 466, 540, 662, 663, 843; and his spouse Lady Altyre, sister to Gordon of Cluny, 662, 663.
—— of Altyre, James, son of the late laird and of Lady Altyre, 466–7, 470; justice of the peace, 619, 661, 664, 665.
—— of Collow, John, 367.
Cunningham, bailiary of, commission of the peace for the, 204.
—— the bailie-depute of, 787.
—— Adam, advocate, bailie of Kirkmichael, 614, 636, 678, 681, 730.
—— Agnes, at Dumfries, spouse of MacGowne, 635, 649.
—— Alexander, writer, and agent in Edinburgh to MacLean of Duart, MacLeod of Harris, MacKinnon of Strathordaill and MacLean of Lochbuie, 573, 692, 699–700, 727.
—— Archibald, 259, 260.
—— Archibald, master porter of Edinburgh Castle, 372, 377–8, 395.
—— Archibald and William, sons of Cunningham of Aikinbar, 792.
—— Christopher, Alexander, and John, bailies of the burgh of Stirling, 10.
—— Duncan, son of Archibald Cunningham, 372, 376.
—— George, burgess of Edinburgh, deceased, 390.
—— Harbert, commissioner for the burgh of Dumfries, 506; provost of Dumfries, 649.
—— James, burgess of Dumfries, 195.
—— James, Sara, and Issobell, children and executors of the late George Cunningham, 390.
—— James, bailie of Dumfries, 635–6.
—— Jean, sister to Cunningham of Robertland, 351, 366, 799.
—— John in Deldarroch, tutor of Cunninghams, 390.
—— Mr. John, eldest son of Cunningham of Boquhen, 430.
—— John, bailie of Stirling, 460, 461, 462, 463, 509, 510.
—— John, appointed one of the two commissioners to superintend the commerce between Scotland and Ireland at the ports established for that purpose, 566, 569, 570.
—— Katherine, at Dumfries, spouse of MacMillan, 635, 649.
—— Mr. Robert, bailie of Kinghorn, 67.
—— Robert, at Dumfries, 635.
—— William, in Lynclowden, deceased, 478.
—— William, merchant at Dumfries, 635.
—— William, son of the provost of Dumfries, 649.
—— William, in Dolphingtown, tutor of Bonytoun, 666.
—— William, 686.
—— William, writer in Edinburgh, 792.
—— of Aikinbar, Donald, deceased, 792.
—— of Barns, Alexander, justice of the peace

for Fife and Kinross, 156, 265; licence to, to travel, 488; reference to a link of connection between him and Drummond of Hawthornden, 488 n.
Cunningham of Boquhen, Cuthbert, 430.
—— of Caprington, William, justice of the peace, 204, 619, 253, 256–7.
—— of Corshill, Alexander, justice of the peace, 204, 619.
—— of Dalkeith, Daniel, justice of the peace, 204.
—— of Drumquhassill, John, 430, 482.
—— of Fynnik, Mr. John, 482.
—— of Gilbertfield, Sir Robert, justice of the peace, 211, 266.
—— of Glengarnok, James, 105, 123, 526.
—— of Montgrenane, Mr. James, 42.
—— of Robertland, David, justice of the peace, 204, 366, 799.
—— of Trembeg, Robert, 482.
Cunziehouse, commission of Council appointed to meet at the, to try the assay box of gold and silver, 37, 55, 74–5; prices at which the various sorts of foreign coins or decried coin of the realm are to be henceforth brought in to the, as bullion, 79–81; royal missive anent the, 162; the Master Cunyeour and officers of the, 74–5, 214, 237; in the Cowgate of Edinburgh, 548.
Cupar, burgh of, 192, 193. *See* Couper.
Curle, James, merchant burgess of Edinburgh, 105, 123.
Currour, Cristeane, daughter of Currour of Swailend, and spouse of David Currour, 574, 654–5.
—— David, fiar of Swailend, 574, 644–5.
—— Stephen, son of Currour of Logie Megill, 139, 142, 194, 582, 592, 651.
—— of Logie Megill, David, 139.
—— of Swailend, George, 574, 641–2, 654–5.
Customs: action against Robert Byres for not paying the import on certain wines imported, 38–9; imposed upon imported wheat, &c., 243–4; tolls and, to be exacted from foreign ships arriving in Orkney or Shetland, 247–8; on import of victuals, 281; tacksmen of the, petition for leave to export wool, 287–8; of Spey, 295; on horses, demanded of the Earl of Abercorn, and refused by him, 463; on wines, 510–11, 514: act and royal warrant for a new tack of the customs to be put up to roup, 598–602, 619, 620; regulations of the roup, rival bidders for the same, and the tack knocked down to Archibald Primrose and his colleagues, the present tacksmen, for an augmentation of thirty thousand merks upon the present price,—*i.e.*, for a total of £140,000, lxxiv, 620–21.
Cuthbert, John, brother of the late Walter Stewart in Inverness, 678.
—— younger, of Castlehill, William, 132.
Cutler, William, against the bailies of Leith, 260.

Dae, Michael, in Loak, 84.
Dalgarno (Dalgarnoch), the parsonage of, 680.
—— Patrick, in Calskieberrie, 654.
—— Patrick, 687.
—— Patrick, brother of Dalgarno of Garnestoun, 795.
—— Patrick, son of Dalgarnoch of that Ilk, 804.
—— of that Ilk, William, deceased, 804.
—— of Garnestoun, 795.
Dalgleish, Mr. David, schoolmaster in Carnebie, 131.
—— James, merchant burgess of Edinburgh, deceased, 551.
—— James, 553.
—— John, son of the late James Dalgleish, 551.
—— Robert, flesher in Edinburgh, 527, 843.
—— William, 515.
—— of Dewchar, 793.
Dalhousie, the laird of. *See* Ramsay of Dalhousie.
Dalkeith, burgh of, licence to the community of, to exact a toll for the repair of their bridges, 203; magistrates of, 259; ward in the tolbooth of, 616; assault in the kirkyard of, and public penance by the offender in the kirk of, 367–9; presbytery of, 368.
Dalmahoy, Hercules, stabuler, burgess of Edinburgh, 377.
—— James, son of Alexander Dalmahoy of that Ilk, 100, 115, 335.
—— William, son of Hercules Dalmahoy, 377.
—— of that Ilk, Alexander, 100, 115, 335.
—— of that Ilk, Sir John, justice of the peace, 406 and n.
Dalmeny, parish of, 570.
Dalry, lands and barony of, 276.
Dalrymple, Mr. Andro, sometime servant of the late Duchess of Lennox, 521.
—— David, appears as procurator, 8.
Daltoun, parish of, 375.
Dalziel (Dalzell), James, younger, merchant burgess of Edinburgh, 7, 19, 24, 49, 111, 384, 446, 481.
—— James, baillie of Edinburgh, 169, 194.
—— James, 123, 322, 351.

Dalziel (Dalzell) of that Ilk, Sir Robert, sheriff of Dumfriesshire, and justice of the peace, 63, 68, 73, 73–4, 211, 266, 293–4, 478, 833.
Darleith, Arthur, in Duchlas, 178.
Darling, James, 260.
Dasoun, James, in Clackmannan, 628.
—— John, 538.
Davidson, Allaster, in the Brae of Moir, 830.
—— Alexander, writer, 36, 165.
—— Alexander, warded in the tolbooth of Dysart, 322.
—— Archibald, merchant and indweller in Edinburgh, 343–4, 352, 364, 375.
—— Charles, a servant, 799.
—— George, 235.
—— George and Alexander, in Ardinch, 794.
—— George, in Bouremouth, 799.
—— James, deacon of the baxters of the Canongate, 71–2.
—— James, in Ardinch, 794.
—— James, called "the climmer," 823.
—— John, son of the late Thomas Davidson, 583, 592.
—— John, in Clackmannan, 628.
—— John, in Meklesuddy, 794.
—— Margaret, daughter of Thomas Davidson, 524.
—— Peter, at Stirling, 163.
—— Thomas, "*alias* callit Inglis Thomas," 139, 142.
—— Thomas, "under-customer," 378.
—— Thomas, in the Cottoun of Freirtoun, father of Margaret Davidson, 524.
—— the late Thomas, burgess of Jedburgh, 583.
—— William, in Mure, 2.
—— Mr. William, appears as procurator, 348, 845.
—— William, 591.
Dawling, John, mariner of Leith, 434.
Dean of Guild of Edinburgh, 275.
Deans, John, in Hawick, deceased, 434.
Decreta, the Register of, 198 n., 291 n., 340 n.
Deer, in Clenurchy, 51.
Deforcement, action by James Marshall, messenger, against William Hutton and others for, 350, 374, 385–6. *See also* Processes.
Dempster, Andrew, in Dalkeith, 426.
—— George and Robert, 300.
—— James, brother of the late Dempster, younger of Knokleyth, 414.
—— James, son of the late James Dempster, younger of Auchterless, charged with murder and robbery, 414.
Dempster, Joan, relict of Richard Chopman, and sister of the late Dempster, younger of Knokleyth, 414.
—— John, 300.
—— Katherine, sister of the late Dempster, younger of Knokleyth, 414.
—— Margaret, relict of the same, 414.
—— Thomas, 300.
—— William, in Newlogyaltoun, charged with murder and robbery, 414.
—— younger of Auchterless, James, deceased, 414.
—— sometime of Auchtirless, Thomas, charged with murder and robbery, 414.
—— of Cushny, Robert, charged with murder and robbery, 414.
—— of Knokleyth, James, father of late Dempster, younger of Knokleyth, 414.
—— younger of Knokleyth, John, murder of, 414.
Dempstertoun *alias* Edward, John, burgess of Kirkcaldy, 512.
Denistoun, Alexander, 213.
—— Robert, goldsmith, burgess of Edinburgh, 84.
Denmure, George, flesher, 527.
Denny, Umphra, in Dumbarton, 793.
Denton, Mr., and his servant George Edgar, 812.
Denys, Abel, in Bordeaux, 442.
Dernie, Robert, in Parkishoill, 38.
Deus et Rex. *See* Books.
Dewar, Donald, in Lanye, fined for resetting the Clan Gregor, 104.
—— Robert, 272.
Dewny, William, officer in Mariculter, 173.
Dewgatt, William, servitor to George Gairdin, 173.
Deynis, Alexander, in Hawick, 434.
Dick, Alexander, writer, and Agnes Wilkie, his spouse, 39.
—— Alexander, notary public, 615.
—— John, in Muretoun, 66, 67.
—— John, in the Hauch of Kilpunt, 111.
—— John, 123.
—— John, 545.
—— Matthew, in Corslihillis, 618, 655.
—— Quentin, in Whitehill, usury case, 411.
—— Thomas, 163.
—— William, 316, 620.
Dickieson, Charles, goldsmith, sinker of the irons of his Majesty's cunzie in Scotland, 214.
Dickson, George, son of the late Richard Dickson in Nisbett, 547.
—— George, in Balmylne, 556–7.
—— Herbert, in Mouswall, 635.
—— Herbert, burgess of Dumfries, 635, 648, 649, 650, 653.

Dickson, James, appears as procurator, 636.
—— John, 153.
—— John, flesher, burgess of Edinburgh, 356.
—— John, burgess of Dumfries, 588.
—— John, at Dumfries, son of Herbert Dickson, 635, 649, 650.
—— John, provost of Jedburgh, 686.
—— Richard, in Nisbett, deceased, 547.
—— Mr. Richard, minister at Saint Cuthbert's Kirk, Edinburgh, 829.
—— Thomas, at Dumfries, son of Herbert Dickson, 635, 649, 650.
—— Thomas, apothecary, burgess of Edinburgh, 310.
Dike (Dick), William, act of Exchequer between the Treasurer and, 316.
Diligence, cases of, 19, 90, 123, 163. *See also* Processes.
Dingwall, Rorie, in Dingwall, fined for resetting the Clan Gregor, 54.
Dirleton, Lord. *See* Fenton.
Dishintoun, ——, skipper in St. Monans, 272.
—— George, tailor at Inchdatie Mill, 322.
—— Sir Thomas, 272, 791, 793.
Dispensation of Minority. *See* Minors.
Dobie, of Stanyhill, Robert, 204.
Doctors of Divinity: degree of, granted to ministers at St. Andrews University, 588 n.
—— of Medicine. *See* Chirurgeons.
Documents appertaining to the affairs of Sir John Arnott, the Earl of Moray, and others, 354–5.
Dodds, Robert, sometime in Tynneis, 798.
Doig, of Coldech, Paul, cautioner for Cunningham of Glengarnoch, 526, 552.
Doig, of Dunrobin, Paul, 153–4, 163.
Doir, Donald, in ——, under the laird of Weyme, fined 800 merks for resetting the Clan Gregor, 152.
Dollas, of Cantray, William, 132.
Dolles, barony of, 466, 661.
Donald, Clan of, 268 n.
Donald Gorme of Sleat. *See* MacDonalds of Sleat.
—— Robert, mariner of Leith, 434.
—— William and Alexander, brothers, in Bantoth, 2–3.
Donaldson, James, flesher in Leith, 527.
—— John, in Callender, fined for resetting the Clan Gregor, 103.
—— Janet, charged with fire-raising, 379–80.
—— Margaret, relict of William Smith, tailor, 138, 142.
Donaldson, Margaret, spouse of Patrick Pitcairn, 666.
—— Thomas, in Newtown, 812.
—— William, tailor in the Canongate, 194.
—— William, burgess of Selkirk, 421.
—— William, in Mekle Elrig, 485–6.
Doune, in Menteith; courts held in the Castle of, for trial of resetters of the Clan Gregor, 101.
Dorkie, John, collier, 27.
Dott, Walter, 213.
Douay, in France, College of, 483 n.
Dougall, Robert, bailie of Edinburgh, 194.
—— Robert, merchant burgess of Edinburgh, 448.
Douglas, ——, parson of Lochermagus, deceased, 271.
—— Dame. *See* Bothwell, Countess of.
—— against Hamilton, 261.
—— Alexander, bishop of Murray. *See* Murray, Bishop of.
—— Alexander, macer to the Council, acts as procurator, 27, 40, 59, 97, 106, 116, 140, 146, 345, 446, 487, 628, 677.
—— Alexander, action against, by David Melville, 351.
—— Alexander, in Clackmannan, 628.
—— Archibald, macer of the Council, appears as procurator, 8, 18, 26, 38, 39, 40, 49, 50, 59, 67, 70, 83, 84, 93, 94, 96, 97, 106, 110, 111, 130, 138, 139, 145, 146, 154, 159, 160, 173, 176, 177, 194, 349, 361, 365, 366, 367, 370, 383, 384, 385, 386, 451, 400, 407, 408, 431, 450, 469, 473, 476, 479, 484, 485, 486, 490, 508, 509, 522, 525, 526, 547, 551, 558, 577, 582, 583, 584, 586, 589, 590, 596, 629, 642, 652, 658, 659, 666, 681.
—— Archibald, action by, 212.
—— David, in Darnefurd, 371.
—— Donald, in Drumfeirne, 178.
—— Dame Ewphame, Lady Auldbar, 39, 212.
—— Mr. Gavin, brother of the laird of Glenbervie, 166, 167.
—— George, in Caveris, prosecuted for cattle-stealing, 152.
—— George, son of Lady Torthorwald, 443.
—— George, servant of William Turnbull, 455, 487.
—— George, in Coupar, 512.
—— Gilbert, son of Douglas of Langnidrie, 100, 115.
—— Henry, 260.
—— James, 163.
—— James, brother of the Earl of Angus, licensed to travel, 293.

Douglas, James, 351.
—— James, in Lochens, 447.
—— James, appears as procurator, 614.
—— Mr. John, 261.
—— John, in Pleasance, 484, 489.
—— Joseph, 259.
—— Margaret. *See* Bothwell, Countess of.
—— Patrick, 123, 124.
—— Patrick, grieve to Douglas of Whittingham, and brother-german to Robert Douglas, 271–2.
—— Patrick, baker, burgess of Edinburgh, 666, 686.
—— Robert, in Tullimet, fined £20 for resetting the Clan Gregor, 151.
—— Robert, forfeit of caution-money by Sir Robert Gordon, through the return of, to this realm, cancelled, 213.
—— Robert, son of the late parson of Lochermagus, and brother-german of Patrick Douglas, lxxxiii; his feud with Hepburn of Wauchton and slaughter of Mr. Francis Bothwell, 255–6, 260, 269, 271–2.
—— Robert, 470.
—— Sara, spouse of Carmichael of Meadowflat, 614.
—— Mr. William, 91.
—— fiar of Drumlanrig, William, justice of peace for Dumfriesshire, 73, 165.
—— Captain William, 356–7, 374.
—— William, sheriff principal of Roxburgh, witnesses a decreet, 379.
—— of Bonjedburgh, justice of the peace for Roxburgh, 162.
—— apparent of Bonjedburgh, 29, 332, 405.
—— of Caschogill, Sir Robert, justice of the peace for Dumfriesshire, 73.
—— younger of Caschogill, William, justice of the peace, 73, 582.
—— of Cavers, James, sheriff of Roxburgh, 152; justice of the peace for Roxburgh, 162.
—— elder of Drumgarland, Robert, denounced for abducting and starving a mare of Robert Angus, 468.
—— of Drumlanrig, Sir James, justice of the peace for Dumfriesshire, 73, 638, 833.
—— younger of Drumlanrig, William, committed to the Castle of Edinburgh for sending challenges of provocation to certain noblemen, 252, 253, 254, 256–8, 258 n., 260, 399, 434, 445, 624, 788.
—— of Freirschaw, George, 448.
—— of Glenbervie, justice of the peace, 266, 351, 354, 539.
Douglas of Kilspindie, Patrick, justice of the peace, 266, 379, 647.
—— of Langniddry, George, 100, 115.
—— of the Lathe, John, servitor to the laird of Drumlanrig, committed to the Tolbooth of Edinburgh, 253.
—— portioner of Lugton, James, 616.
—— sometime of Lyncluden, William, 211, 786.
—— of Maynes, 430.
—— of Mouswall, brother of Douglas, younger of Drumlanrig, 252, 253, 254.
—— of Pinyerie, William, rebel-associate of the late Lord Maxwell, 579.
—— of Pumpherstoun, George, justice of the peace, 401, 571.
—— of Pumpherstoun, William, 804.
—— of Spott, Sir James, commissions of justiciary to, 4, 161–2, 205; appointed by the King to the sheriffship of Haddington, 21, 28, 30-1; processes against, 75, 91, 130, 142, 160, 163, 373.
—— of Tirlismylne, justice of the peace, 619.
—— of Toftis, Archibald, 414.
—— of Whittingham, Sir Archibald, 259, 271–2.
—— James, Lord, father of the present Lord Torthorwald, murdered in 1608, 45–6, 45 n.
—— James, now Lord Torthorwald, 45–6, 45 n.
Doull, James, joiner in Wick, 827.
—— James, younger, in Wick, 827.
—— Thomas, bailie of Wick, 827.
Doves (dowis), shooting with hagbuts at, 345.
Dow, Allan, in Cluishpharny, fellow rebel of Cameron of Lochiel, 186, 189.
—— Callum, in Pitteneill, fined £50 for resetting the Clan Gregor, 151.
—— James, fined 50 merks for the same, 151.
—— John, in Preston, 523–4.
—— John, in Avach, 794.
—— *alias* Grant, Robert, in Delnabo, 404.
—— William, in Fornot, fined £50 for resetting the Clan Gregor, 229.
—— William, younger, in Preston, alleged murder of, 523–4.
Dowie, Andro, 272.
—— Andro, at the Crook of Devon, 789.
—— James, appears as procurator, 447.
Down, Malcolm, in Killichassen, fined 100 merks for resetting the Clan Gregor, 150.
Downy, Thomas, smith, burgess of Stirling, 193, 194.
—— William, mariner in Leith, 642, 651.
Dowson, David, at Achabraill, 830.

Drew, Gilbert, a creelman, 322.
Drimis, Gilbert, servitor to Lord Forbes, 826.
Dron, Walter, at Kinghorn, 545.
Drumcroce in Linlithgow, 221.
Drumlanrig, the laird of. *See* Douglas.
Drummokill, the laird of, 226; justice of the peace for Dumbarton, 833.
Drummond, Duncan, sometime MacGregor, fined £50 for resetting the Clan Gregor, 227.
—— Duncan Beg, in Comrie, fined £100 for the same, 229.
—— George, deacon of the skinners of Stirling, 8.
—— Gavin, son of Drummond of Kildeis, 243, 246.
—— James, sheriff-clerk of Perth, and his son Harry, 233–4, 272.
—— James, against the bailies of Edinburgh, 687.
—— Janet, spouse of John Bartane in Edinburgh, 446.
—— Mr. John, farmer of the customs, appears as procurator, 140, 512; bids for the new tack, 620.
—— John, in Auchinlay, fined for resetting the Clan Gregor, 102.
—— John, at the Mill of Blairnavard, fined for the same, 102.
—— John, in Lanye, fined for the same, 104.
—— Matthew, "nolt driver" in Edinburgh, 843.
—— sometime M'Gregor, Patrick, fined 20 merks for resetting the Clan Gregor, 229.
—— Patrick, "stewart clerk" of Stratherne, 833.
—— William, fined for resetting the Clan Gregor, 102–3.
—— Mr. William, 212.
—— of Balloch, Harrie, justice of the peace for Perthshire, 168, 329.
—— of Bordland, justice of the peace for Perthshire, 168.
—— of Carnok, Sir Alexander, band by, 633.
—— of Coquhoilyee, Thomas, justice of the peace for Perthshire, 168.
—— of Hawthornden, William, lxxxix, xc, xci; reference to a letter of, 488 n., 586 n.; licensed to eat meat in Lent, 831 and 831 n.
—— of Inneryeldie, fined 500 merks, and his brother James 20 merks, for resetting the Clan Gregor, 229.
—— of Kildeis, Gavin, 243, 246.
Drummond of Medhope, Sir Alexander, member of Privy Council, vi, xiii, 28, 37, 127, 207, 277, 281; in arbitration cases, 294, 608; mentioned as being admiral-depute, 415; 488, 530, 839; signs for Council, 5, 96, 162, 156, 203, 219, 223, 246, 283, 327, 374, 388, 389, 393, 404, 405, 406, 430, 435, 439, 445, 446, 451, 465, 472, 473, 475, 477, 488, 547, 559, 584, 618, 619, 637, 686, 811, 825, 831, 843; present in Council, 1, 5^2, 6, 11, 18, 20, 23, 29, 37, 44, 48, 55, 58, 61, 62, 63, 65, 68, 70, 73^2, 75, 78, 81, 85^2, 87, 89, 91, 93, 96, 96^2, 99, 100, 105^2, 107, 108, 109, 112, 113, 115, 124, 127, 133, 135, 153^2, 157, 159, 163, 164, 165, 166, 168, 169, 170^2, 171, 172, 174, 175, 180, 182, 183, 184, 197, 198, 206, 207^2, 209^2, 210^3, 213, 215, 218, 219, 220, 230, 232. 236, 240^3, 241, 242^3, 243^2, 246^2, 247, 249^2, 251^2, 254^3, 255, 256, 261, 262^2, 267, 276, 280, 281, 283, 284^3, 286, 287, 287^2, 288, 292^2, 293^2, 294^2, 295^3, 297, 298^5, 299, 300^2, 301^2, 302, 303^2, 304^2, 308^2, 309^2, 310, 312, 316, 318, 323, 327, 329, 331, 332, 333, 336, 340^2, 342, 346, 348, 349, 352, 354, 355, 358, 359, 360, 362, 363, 364, 370, 372, 376, 380^2, 381, 383, 394, 395, 389, 399, 402, 403, 405, 406, 407^2, 408, 409, 412, 413, 414, 419, 420^2, 423, 425, 429, 430, 431, 436, 440, 441, 445, 446^2, 448, 449, 450, 451, 452, 455^2, 456^2, 458^2, 459, 460^3, 464^2, 466, 467, 468, 470, 472^3, 474^2, 475, 476, 477, 478, 479, 483^2, 485^2, 488, 490, 502^2, 507, 515, 522, 525^3, 529, 531^2, 533, 534, 538, 540, 541, 543, 544, 547, 548, 550, 556^2, 560, 561, 565, 566, 573, 574, 575, 577, 580^2, 581, 582, 583, 584, 585, 587, 588, 592, 595, 605, 613, 619, 620, 623, 627, 647, 648, 652, 655^2, 658^2, 659^2, 660^2, 665, 667, 669, 673, 674, 677^2, 681, 686, 757, 762.
—— of Pitcairn, Thomas, 326, 331, 511–12; licensed to travel, 637.
—— of Pitkellanie, James, fined 500 merks for resetting the Clan Gregor, 229.
Drumelzier, laird of, 331.
Drunkards, "ane act anent," 258.
Drysdale, Robert, flesher, 527.
—— William, in Bonhard Panes, 666, 686.
Duchall, James, at the Park Mill of Alloway, 628.
Duddingston, Thomas, domestic and household servant of Beaton of Creich, 84.
Duff, against Weir, 212.
—— Alexander, clerk of exchequer, 466.
—— John, procurator, 58.
—— John, skipper in Leith, 415.
—— Thomas, merchant burgess of Perth, 508, 514.

Dumbarton, Burgh of, 192, 350, 461; the bailies and provost of, petition the Council respecting money due to the burgh out of the taxation of the earldom and bishopric of Orkney, 824; market-cross of, 740.
—— Castle of, lix, lx, lxii; the Earl of Orkney a prisoner in the, 200–1, 239, 259, 274; constable of the, 259.
—— Shire, discharge of the sheriff-depute of, 20; appointment of Buchanan of that Ilk to the new sheriffship, 20–1, 28, 30–1, 43, 162; interim sheriff of, 215, 389; the service against the Isles, 364; inhabitants of, fined for resetting the Clan Gregor, 224; justices of the peace for, 833.
Dumfries, Burgh of, 108, 507, 510, 617; the magistrates of, 72, 108, 124, 141, 292; licence to the magistrates of, to levy certain duties for the repair of their bridge over the Nith, 507, 514; High Street of, 648; Tolbooth of, 72, 649; market-cross of, 588; "Brethren of the Exercise" of, 88; customs officer at, 649; assault at, 649, 650.
—— Shire, the office of sheriffship of, accepted by Sir Robert Dalzell, 63, 68; commissioners of the peace for, 73, 833; interim sheriff of, 389; trial of a Border outlaw by the, 399.
Dun, John, in Edinburgh, 790.
—— John, in Chapel of Andat, 794, 796.
—— William, in Lindem, 508.
—— the laird of, commissioner for the burgh of Aberdeen, 506.
Dunbaith, in Caithness, lands and barony of, 197.
Dunbar, Burgh of, 23, 192; provost of, 549; magistrates of, 4, 23, 107; commissioners of, 193; red herring made at, 437, 572–3; exported to France from, 641; assise herring of, 282.
—— James, in Overtoun of Hempriggs, father of Jean Dunbar, 557.
—— Jean, 557, 591.
—— John, 212, 552.
—— Robert, tutor to Dunbar of Avach, 794.
—— William, in Cromdell, fined for resetting the Clan Gregor, 53.
—— William, 123, 212.
—— William, appears as procurator, 407.
—— of Avach, George, 794.
—— of Blairie, Patrick, justice of the peace, 440–1, 619.
—— of Boigs, James, justice of the peace, 619.
—— of Both, James, 132.
Dunbar of Burgy, Robert, justice of the peace, 202–3, 361–2, 619.
—— of Conzie, Patrick, 67.
—— of Grangehill, Mark, justice of the peace, 619.
—— of Hempriggs, William, 93, 213, 652.
—— of Kilboyak, Patrick, 309.
—— of Lochiehill, Alexander, 132.
—— of Moynes, John, justice of the peace, 202–3, 619.
—— of Mundoll, Mr. James, justice of the peace, 619.
—— of Westfield, sheriff of Murray, 552; commission of the peace to, 619.
—— the late Earl of, deceased in 1611, vii, 3, 159 n., 200 n., 282, 370, 675 n.
Dunblane, witches warded in the tolbooth of, 329.
—— bishop of (George Graham), xvi, xciii, 44 n., 91; commission of justiciary against witches to, 329; transferred to the bishopric of Orkney, 381–2 n.; present in Council, 299.
—— (Adam Bellenden), bishop of, in succession to Graham, one of the Commissioners of the Court of High Commission, 437 n.
Duncan, Gilbert, cooper and indweller at Thurso, 830.
—— Harry, 352.
—— James, in Newbarns of Reidcastell, 365, 375.
—— John, in Kinlos, 341.
—— John, wright in Kilmarnock, usury case, 411.
—— John, tenant and servitor to William Cunningham, 792.
—— John, servitor to Leslie of Auldraig, charged with murder, 387, 800.
—— William, surgeon, burgess of Dundee, 400.
—— William, in Ketrik, 558.
—— of Williamcraigs, Harry, 139, 142.
Duncanson, Roger, bids against Archibald Primrose for the customs, 620.
Duncrub, the laird of, 514.
Dundas, David, 273.
—— Thomas, in Pittenweem, 791.
—— of Arniston, Sir James, 91, 142; holds an interim sheriffship of Edinburgh, 239, 240, 406, 406 n.; justice of the peace for Edinburgh, 833.
—— of that Ilk, Sir Walter, sheriff of Linlithgow, 274, 275, 291, 335, 372, 382, 388, 571; commissions of the peace to, 401, 833.
—— of Duddingston, Mr. James, 388.
—— of Newliston, John, justice of the peace, 388, 401.

Dundee, burgh of, 192, 206, 294, 343, 529; magistrates of, 107, 124, 277, 345; tolbooth of, 117, 556; Murray Gate, port of, 565; Well Gate of, 565; Commissioners of the burgh of, 193; John Thayne against the magistrates of, for unlawful imprisonment, 117.

Dunfermline (burgh), charge to the, 192–3; Commissioners of, 193; linen trade in, 439; the chamberlain of the Queen's lordship of, *see* Wardlaw of Balmull; palace of, 459.

—— Alexander Seton, Earl of, Lord High Chancellor and Premier of Scotland, v, vii, xii, xiii, xvii, xx, xxxvi, xli, xlix, lxxxix; reference to a King's missive to, anent the dowry of the Princess Elizabeth, 14–15; on a special Committee of Council for the business of rating the fines to be imposed on the resetters of the Clan Gregor, 31–2; one of a Commission to try the assay box of gold and silver, 37, 74–5; one of a Commission to consider and report on the Marquis of Huntly's overture concerning the coining of copper, 57; references to, as Lord of Fyvie and Urquhart, 170, 421; exhibits before the Council the King's patent under the Great Seal for the promotion of Sir Thomas Hamilton to the peerage, 174–5; is freed from his caution for Maclean of Duart, 694; action against Sir William Home, 260; appointed one of the assessors to the Justice in the trial of the Earl of Orkney, 299 n., 300; King's Commissioner, specially appointed, to receive the oaths of allegiance of the Archbishops of St Andrews and Glasgow, 412; subscribes a Royal Ordinance for the union of the two Courts of High Commission, 435 n.; appointed a Commissioner in the New Court of High Commission, 437 n.; is absent at Court, 489, 502 and n.; ignores a sentence of the High Commission and liberates the Marquis of Huntly from Edinburgh Castle, 562 n.; his antagonism with Archbishop Spotswood in the Council in consequence of this action of his, 564 n.; commissions of the peace to, 67, 72, 73², 156, 162², 168, 204, 211, 223, 265, 266, 379, 401, 406, 619, 637, 647, 668; mentioned, 334, 363, 477, 521, 542, 560, 561, 675 n., 754, 755, 813, 840; signs for Council, 4, 5, 18, 29, 42, 44, 51, 59, 60, 67, 68, 72, 76, 85, 87, 90, 94, 96, 100, 108, 112, 113, 119, 132, 152, 156, 161, 162, 164, 168, 170, 180, 197, 200, 203, 204, 205, 206, 208, 209, 210, 211, 219, 220, 223, 224, 229, 231, 241, 242, 245, 248, 249, 251, 255, 256, 265, 266, 267, 270, 271, 272, 275, 276, 283, 286, 291, 292, 300, 301, 309, 318, 327, 329, 332, 335, 340, 345, 369, 374, 379, 388, 389, 399, 404, 405, 406, 414, 419, 423, 424, 430, 435, 439, 492, 494, 524, 539, 542, 547, 555, 559, 579, 584, 590, 591, 597, 598, 618, 636, 637, 647, 650, 665, 666, 667, 668, 674, 678, 686, 811, 817, 824, 825, 829, 831, 839; present in Council, 1², 5², 6, 11, 18, 29, 37, 44, 48, 51, 55, 58, 62, 63, 65, 68, 70², 73², 75, 77, 78, 81, 85², 87, 89, 91, 93, 96², 99, 100, 101, 107, 108, 109, 112, 113, 115, 119, 124, 127, 132, 133, 135, 142, 144, 148, 153, 157, 159, 163, 164, 165, 166², 167, 168, 169, 170², 171, 172, 174, 175, 180, 182, 183, 184, 197, 198, 199, 201, 203², 204, 205, 206, 207², 209², 210³, 213, 215, 218, 219, 220, 224, 230, 232, 236, 240², 241, 242³, 243², 246², 247, 249, 250, 251, 254², 255, 256, 261², 262, 267, 273, 276, 280, 281, 284, 286, 287³, 288, 292², 293³, 294² 295³, 297², 298⁴, 299², 300², 301², 302², 303, 304², 308², 309, 310, 311, 316, 318, 319, 323, 327², 329, 331, 332, 333, 336, 340², 341, 346, 348², 349, 350, 352, 354, 355, 357, 359, 360, 362, 363, 364, 369², 372², 376, 380, 381, 383, 394, 395, 399, 402, 403, 406, 407², 408, 409, 412, 413, 414, 419, 420², 423, 425, 428, 430, 431, 436, 502², 507, 515, 522, 525², 529, 531², 533, 534, 538, 540, 541, 543, 544, 547, 548, 550, 553, 555, 556², 559, 561, 565, 566, 573, 574, 575, 577, 580², 581, 582, 583, 584, 585, 587, 588, 592, 595, 597, 605, 613, 619, 620, 623, 627, 638, 639, 647, 648, 652, 655², 658², 659², 660², 665, 667, 669, 673, 674, 677, 681, 686, 715, 757, 762.

Dunipace, the laird of, justice of the peace for Kincardineshire, 67.

Dunivaig, Castle of, seized by Ranald Oig Macdonald, and then by Angus Oig, xxvi–vii; commission to Bishop Knox to rescue it from the Macdonalds, 242; and incidents of its subsequent history till the final suppression of the Macdonald rebellion by the Earl of Argyle, xxxvii–liii, 262, 706, 710, 715, 716, 717, 718–20, 267, 267–8 n., 279 n., 350, 403, 441, 695–7, 764.

Dunkeld, Bishop of (Alexander Lindsay), xvi, xciii, 44 n., 123, 124; justice of the peace for Perthshire, 168, 530; present in Council, 299.

—— former titular or lay Bishop of. *See* Rollok of Piltoun.

Dunlop, John, in Dumferne, 178.

Dun, the laird of, case of the poisoning of, 152, 820. *See* Erskine.
Duns, ward in the tolbooth of, 57; case of horse-stealing at, 414.
Dunshey, John, servant, 799.
Duntreth, the laird of, justice of the peace for Dumbarton, 833.
Dunveggan, alleged public sale of pirated goods at MacLeod of Harris's "awne house" of, by men of Harris, 634.
Durham, Henry, 155.
—— William, 352.
—— of Grange, William, 349.
—— of Pityarrow, James, justice of the peace, 669.
Durie, Mr. Simon, minister at Forgound, 621–2.
Durie of that Ilk, Robert, justice of the peace for Fife and Kinross, 156, 265.
Durkie, Thomas, flesher in Kirkcaldy, and his spouse Issobell Peiris, 512.
Dykes, Mr. John, minister, 588 n.
Dynmore, John, flesher in Edinburgh, 527.
Dysart, charge to the burgh of, 192–3; commissioners of, 193; magistrates of, 209, 322.

Easter (Pasche) Sunday, on the last day of March, 1616, xcvi, 316–17, 545.
Eastnessbitt, laird of, charged with repair of roads in Berwickshire, 544.
Easton (Eiston), George, 91.
—— James, burgess of Edinburgh, 454–5.
—— Mr. James, son of James Easton, 454–5, 470.
Edgar, Edward and Clement, children and executors to the late Edward Edgar, merchant burgess of Edinburgh, former husband of Margaret Mitchell, 25.
—— George, "Mr. Denton's man of Warnell," 812.
—— (Edger), James, messenger, 798, 841.
—— Katherine, relict of William Cunningham, 478, 489.
—— Patrick and Edward, merchant burgesses of Edinburgh, curators to the children of the late Edward Edgar, 25.
—— Patrick, bailie of Edinburgh, 283.
—— Thomas, younger, appears as procurator, 478.
—— William, 538.
Edinburgh, burgh of: Events in the history of the;—act acknowledging the fulfilment by the provost and bailies of, of the undertaking of the burgh, at the time of the baptism of the Princess Elizabeth, to give her a certain sum of money on her marriage, 14–15; Robert Maxwell released from ward in the, 17–18, 63; the principal merchants of, consulted by the officers of the mint in business concerning the coinage, 809; impost of the wines "ventit and run in the town of Leith" granted to the, 21; controversy between the justices of the burgh and the justices of the shire, 36–7; a commission of the Council appointed to meet at the Cunyiehouse in, to try the assay-box of gold and silver, 37; quarrels in the High Street of, 77–8, 293–4; letter from the King enjoining prosecution of persons discovered to have attended the celebration of mass in, 813–14; the Archbishop of St Andrews resident in the, in June 1613, 89; execution of Lord Maxwell at, 44–5; a meeting of the landlords of the Macgregor lands in the "Laich Consalhous" of, 171; charge to the, in the matter of Stercovius, 192–3; the Earl of Orkney warded in, 224; the magistrates appointed to supply pilots for the King's ships in quest of pirates, 240; a general Wapinschawing to be held in the, 245; the trials of Robert Stewart and the men of Orkney, and also that of the Earl of Orkney, progressing at one time, 275 n.; the Earl of Caithness back in, from quelling the rebellion in Orkney; rejoicings on the occasion, 286 n.; execution at the market-cross of the, of Robert Stewart and other rebels of Orkney, 297 n.; 830–1; trial and execution of the Earl of Orkney at, lxv.–vi, 299, 300, 301 n.; the magistrates of, ordered to deliver up certain Highland criminals in their charge to Mackenzie of Cogach, 300–1; the bailies of, claim jurisdiction in a case of assault committed at Prestonpans, 342; the Earl of Errol has licence to come to, and to remain there for three days, 405–6; Ramsay of Priorletham warded in, 441, 447, sentence of public scourging through the town of, 467–8; act for the suppression of vagabonds and beggars in, and in parts adjacent to, 470–2; the Earl of Lothian appointed preserver of the royal game within eight miles of, 473–4; royal licence to Walter Finlayson to dig and build a vault in the High Street, 473, 482, 492; payment of £4000 to Mr. John Aitchison, being the residue of a sum owing to him by the King for the purchase of the lodging in the Cowgate where the Cunyiehouse has been kept, 548; process against Gordon of Ardlogie for escape from ward in, 552; parties in an action for assault ordered to remain

in the burgh of, till they find law surety 559; proclamation for keeping of the peace in, on the approaching day of law for the trial of Gordon of Gecht and others concerned in the taking and execution of Francis Hay, 604–5, and 605 n.; a roup of the Customs in the Laich Council-house of, 619; preparations in the burgh for the King's visit; act to clear the burgh and all adjacent places of beggars and vagabonds, 682–3; act ordaining the magistrates of, to provide lodging for 5000 men and stabling for 5000 horses, 687. Persons warded in the burgh of;—Buchanan of that Ilk, 170–1; Fraser of Muchalls, 371; John Muirhead, 398; Home of Hardismylne, 425; Ramsay of Priorlethame, 431; Haig of Bemersyde, 544; Seven Highland Chiefs, 580, 772, 773.

Edinburgh, the magistrates and town council of, 3, 107, 119, 124, 169, 205, 211, 277, 281, 302, 365, 403, 415–19, 436–9, 470, 471, 473, 547, 553, 578, 640, 651, 687; clerk-depute, 194; dean of guild, *see* Aikenhead; the treasurer *see* Byres; the commissaries of, 524; the commissioners of, 193.

—— Tolbooth of, lix, lxxxv; Neill MacLeod a prisoner in the, 3, 101; trial of papists to be held in the, 126; offenders brought from Hawick for trial before the Justice in the, 153; trial in the, of Gavin Drummond for murder, 243; witnesses charged to appear before the Lords of Council in the, 826; the rebels of Kirkwall to be examined in the, by certain of the Privy Council, 280; allowances for maintenance to prisoners in the, 283, 287, 330–1, 512–13, 281; a quarrel within the, 293; a justice court appointed to be held in the, for the purpose of pronouncing sentence and doom of banishment for life against Helen Erskine, 315; actions by keepers of, to recover jail fees, 409, 513; trial of Gordon of Gicht for the murder of Francis Hay, 604–5, 605 n.; wardings in the, 4, 27, 28, 40, 65, 68, 77, 84, 88, 95, 99, 107, 110, 118, 132, 140, 155, 161, 175, 180, 203, 249, 253, 256, 238, 239, 282, 284, 302, 328, 329, 332, 335, 342, 343, 350–1, 364, 368, 373–4, 380, 392, 397, 403, 409, 420, 422, 423, 426, 428, 432, 433, 434, 439, 453, 455, 456, 457, 463, 474, 475, 478, 479, 482, 484, 492, 508, 512, 523, 527–8, 533, 546, 555, 559, 573, 576, 587, 590, 597, 606, 617, 618, 628, 632, 633, 636, 643, 644, 645, 648, 649, 650, 652, 666, 674, 677–8, 678, 691, 785, 788, 789, 791, 792, 793, 795, 796, 799, 800, 801, 802, 803, 804; cases of evasion from ward in, 384; liberation from ward in the, 11, 147–8, 302, 316, 392, 439, 454, 509–10, 510, 597, 678, 846; suspension of an order of imprisonment in the, 526; keepers of, *see* Hamilton *and* Whyte.

Edinburgh, Castle of, xliii, xlv, lix, lx, lxii; Persons warded in the;—the Marquis of Huntly, 562 n.; the Earl of Cassillis, 25; Gordon of Newton, 811, 64, 65; David Beaton, 84; Alexander Kennedy, 814; Ker of Littledean, 129; his son, 136; the laird of Mackintosh, 141, 688, 731, 843; Lyon of Auldbar and Wishart of Logie, 204; Douglas of Drumlanrig and Douglas of Mouswell, 254; Sir Rorie MacLeod of Dunveggan, 256; Sir Robert Dalyell and James Crichton, 294; Lord Sinclair, 295; Mr. Thomas Henderson, 303; Maxwell of Dinwiddie, 402; the Earl of Crawfurd, 335, 440, 457; MacLean of Duart and his brother, 588, 777, 780–81; Lord Berridale, 583, MacLean of Torloisk, 653–4; the Earl of Orkney transported from, to Dumbarton Castle, 239; brought back to, 274; is a prisoner in the, at the time of his son's execution, 297 n.; Sir James Macdonald of Islay a prisoner in, since 1604, xliv, 268 n.; escapes from the, in May 1615, 330 n.; 577, 733, 734; ordnance removed from the, for service in Orkney, 262, 703, 709, 710, 712, 713; a petard, proposed to be sent to Islay, to be tested by causing it to blow up one of the gates within the, 726; redelivery into, by Campbell of Caddell, of said petard and other implements of war, 677; orders and contracts for various repairs of the, 261, 328, 331, 477–8, 612–13, 623, 637; George Waldie, a carter, committed to ward for refusing his services in the repairs going on in the, 492; other mentions of the castle, 316, 473; the King's Register-house, situate within the, 354, 375; the Captain, Constable, and Keepers of the, 361; the master-porter, 372, 377.

—— University of, Mr. John Ray, a former professor in the, 586 n.

—— Council: (*See also* Privy Council) Sederunts at, 1^2, 5^2, 6, 11, 18, 20, 23, 29, 37, 44, 48, 51, 55, 58, 60, 61, 62, 63, 65, 68, 70^2, 73^2, 75, 77, 78, 81, 85^2, 87, 89, 91, 93, 96^3, 99, 100, 101, 105^2, 107, 108, 109, 112, 113, 115, 119, 124, 127, 132, 133, 135, 142, 144, 148, 153^2, 157, 159, 163, 164, 165^2, 166^2, 167, 168, 169, 170^2, 171, 172, 174, 176, 177, 180, 182, 183, 184, 192, 193, 197, 198, 199, 200, 201, 203^2, 204, 205, 206^2, 207^2, 209^2, 210^3, 213, 215, 217, 218,

219, 220, 224, 230, 232, 235, 236, 240[3], 241, 242[3], 243[2], 246[2], 247, 249[2], 250–1, 251, 252, 254[3], 255[2], 256, 261[2], 262[5], 267, 273, 276, 279, 280, 281, 283, 284[3], 286, 287[3], 288, 292[2], 293[3], 294[2], 295[3], 297[2], 298[5], 299[2], 300[2], 301[2], 302, 302–3, 303[2], 304[2], 308[2], 309[2], 310, 311, 311–12, 316, 318, 319, 322, 323, 327[2], 329, 330, 331, 332, 333, 336, 340[2], 341–2, 345, 346, 348[2], 349, 350, 352, 354, 355, 357–8, 359, 360, 362[2], 363, 364, 369[2], 370, 372[2], 376, 380[2], 381[2], 383, 389, 393, 394, 395, 399, 402[2], 403, 405, 406, 407[2], 408, 409, 412, 413, 414, 419, 420[2], 423, 425, 428–9, 430, 431, 436, 440[2], 441, 445, 446[2], 448, 449, 450, 451, 452, 455[2], 456[2], 458[2], 459, 460[2], 464[2], 466, 467, 468, 470, 472[3], 474[2], 475, 476, 477, 478, 479, 483[3], 485[2], 488, 490, 494, 502[2], 507, 515[2], 522, 525[4], 529, 531[2], 533, 534, 538, 540, 541, 543, 544, 547, 548, 550, 551, 553, 555, 556[2], 559–60, 561[2], 565, 566, 573, 574, 575, 577, 580[2], 581, 582, 583, 584, 585, 587, 588, 592, 595, 597, 598, 604[2], 605, 607, 613, 619, 620, 621[2], 622, 623, 627, 638, 639, 647, 648, 652, 655[2], 658[2], 659[2], 660[2], 665, 667, 669, 673, 674, 677[2], 678, 681, 686, 701, 715, 746, 757, 762.

Edinburgh, places and buildings in or near to; Bell's Mill, 589, 614–15; Beldony Mill, 589; Colinton Walk Mill, 589; the Commissary Chamber, 303; Corstorphine, 682; the Cowgate, 126 n., 471, 548; the Cunyiehous, 37, 548; the Laich Councilhous, 171; the Over Councilhous, 345; Cramond, 682; the Dene, 596; Duddingstone, 682; "Edinburgh Brae," 549; the Grammar School of the Burgh, 586; the High Street, 77, 89, 293, 342, 471, 473, 492; the Kirk of St. Giles, 402, 492; the Kirk of St. Cuthbert, 553, 682; Leith Wynd, 471, 682; Liberton, 682; Lochend, 790; the Market Cross, lxix, 199, 394, 790; the Netherbow, 471; Newhaven, 330 n., 742; the Park of Holyrood, 681–2, 687; the Pleasance, 471, 682; the Potterrow, 364, 471, 682; Prestonpans, 342; Restalrig Lane, 616; Roslyn Mill, 589; the Royal Exchequer House, 600–2; Saint Ninian's Row, 682; Silver Mills, 589; Water of Leith, 596; West Port, 419, 471, 490, 682; Wester Wood Mill, 589.

—— Shire of: the sheriff of, and his deputies, 3; proclamation discharging the sheriff-depute of, 20; surrender by the Duke of Lennox and the Earl of Abercorn of the office of sheriff, and the proposed reform of the sheriffships, 20; emission by Mr. Robert Learmonth of his office of sheriff-depute for, 30; renewing of the sheriffship, 162, 215; vacancy in the office of sheriff-principal by the death of Mr. Samuel Cockburn of Temple, 219; Mr. Robert Cockburn and Mr. David Primrose, sheriff-deputes, 219; interim sheriffships of, to Sir James Dundas of Arniston, 239, 240; interim sheriffship of, to Richardson of Smetoun, 389; sheriffs of, mentioned, 107, 156–7, 388, 647; sheriff-clerk of, 197; the justices of the peace for, 36–7, 406, 833.

Edmeston (Edmesoun), Angus, in Leodabister, 826.

—— David, brother of Edmeston of Newton, 426.

—— James, tailor, burgess of Edinburgh, 484, 489.

—— James, and his mother, in Comestoun, 511.

—— William, fiar of Duntreth, 430.

—— of Graycrook, Mr. William, justice of the peace, 406.

—— of Natoun, Mr. John, 426, 524.

—— of Newton, Jacob, justice of the peace for Perthshire, 168.

—— James, tailor, burgess of Edinburgh, 566.

—— of that Ilk, Andro (deceased), 613.

Education in Scotland, during the period of this volume, lxxvii, cvii–cx; acts for providing schools and, throughout Scotland, 672, 672 n.

Edward, Barbara, Lady Castlemilk, 7.

—— Nicoll, bailie of Edinburgh, 597.

Egg (Eigg), Island of, rendezvous of Sir James Macdonald and the Islaymen, 330 n.

Eggs, export of, lxxi, 325–6.

Eglinton, Hugh Montgomery, 5th Earl of, died in 1612, lxxxviii, 32, 33 n.

—— Sir Alexander Seton, now Earl of, cousin-german of the late Earl, lxxxviii, 32, 33 n., 51, 260, 310–11, 321; justice of the peace for Ayrshire, 619; *see* Seton, Sir Alexander.

Eglishmauchane, parish of, 571.

Egyptians. *See* Gypsies.

Ejection and spoliation, a case of, remitted by Council to the lords of Council and Session, 129.

Elder, Henry, commissioner for the burgh of Perth, 572.

—— Robert, messenger, 833.

Elgin, Burgh of, 23, market-cross of, 800; fines imposed on resetters of the Clan Gregor in the Sheriffdom of Elgin and Forres, 142–4; Lord Gordon's commission to, 445–6; petition from the people of, for

exemption from service against MacRanald, 513, 514; commission of the peace appointed for the shire of, 619; the sheriff and his deputies, 132, 202–3, 404–5.
Elizabeth, Princess, daughter of James VI.: payment to her by the burgh of Edinburgh of a certain sum of money on her marriage, 14–15, 15 n., 19, 521.
Elliot, bailie of Jedburgh, 686.
—— Andro, bailie, burgess of Arbroath, 140, 142, 345.
—— Andro, burgess of Selkirk, 421.
—— John, 515, 552.
—— Mary, widow of Douglas in Jedburgh, warded on suspicion of witchcraft, 29.
—— William and Archibald, convicted of theft in England, and banished for life, 331–2.
—— of Clintwood, Archibald, banished for theft, 331–2.
—— of Prikeanhaugh, William, banished for theft, 331–2.
Elmure, Nicolas, servitor in the royal wardrobe, 617.
Elphinstoun, action against, 515.
—— Clement, John, and George, brothers of William Elphinstoun, 405.
—— Cuthbert, son of William Elphinstoun, 405.
—— Frederick, 261.
—— John, eldest son to the late Lord of Balmerino, licenced to travel, 1, 5.
—— Mr. John, now spouse of Agnes Ramsay, 508.
—— Jonet, 351.
—— Dame Margaret, spouse of Sir John Bruce of Airth, 615.
—— Mark, 592.
—— Robert, 374.
—— William, servitor to William, Lord Cranstoun, deceased, 405 and n.
—— of Blythswood, Sir George, 196; commissions of the peace to, 211, 266; chancellor of the jury in the trial of John Ogilvie at Glasgow, 306 n.; cited to appear, 455, 472, 473, 484.
—— of Henderstoun, John, 589.
—— of Balmerino, James, deceased. *See* Balmerino, Lord of.
—— Alexander, Lord, father of the laird of Kildrymmie: commission of the peace to, for Perthshire, 168; commission to, from the Council to apprehend Sir James Kincaid, signed by A. Elphinstone, 484; is one of the arbiters, with Lord Kildrymmie his son, in a dispute between the Earls of Linlithgow and Perth, 608.
—— Master of, Alexander (called also Lord of Kildrymmie), son of Lord Elphinston, and a member of Council, vi; ("Alexander, Lord Kildrimmye"), sent by the Council, with others, as being "some of their number," to confer with Lady Johnstone, 29; has leave of absence from the Council, 261; appears with his father in the action concerning the feud between the Earls of Perth and Linlithgow, 832, 608; signs a commission of Council to his father Lord Elphinstone, 484; quarrel with Sir Andro Rollok of Duncrub; charged to appear before the Council, 520–1, 552; signs for Council, 51, 59, 60, 76, 87, 94, 152, 210, 246, 301, 379, 393, 446, 457, 465, 472, 473, 475, 477, 478, 482, 484, 488; present in Council, 1[2], 5, 20, 23, 29, 37, 44, 48, 55, 58, 61, 63, 65, 68, 70[2], 73[2], 75, 77, 81, 85, 87, 89, 91, 93, 96[3], 144, 167, 168, 169, 170[2], 171, 172, 174, 175, 180, 182, 198, 200, 206, 207[2], 209[2], 210[3], 213, 219, 242, 243[2], 246[2], 247, 249[2], 250–1, 251, 252, 254[3], 255, 256, 292, 293[2], 294, 295[2], 297, 298[4], 300, 301[2], 302[2], 303, 308[2], 309[2], 311, 316, 318, 319, 332, 333, 336, 340[2], 348, 349, 352, 357, 359, 360, 362, 363, 364, 369, 372[2], 376, 381, 383, 389, 409, 412, 413, 414, 420[2], 423, 425, 429, 430, 431, 449, 450, 451, 455[2], 456[2], 458[2], 459, 460[2], 464[2], 466, 467, 468, 470, 472[3], 474[2], 475, 476, 477, 478, 479, 483[2], 485[2], 488, 515, 522, 525[2], 534, 538, 540, 541, 543, 544, 547, 553, 555, 556[2], 559, 561, 565, 566, 573, 575, 577, 582, 583, 584, 585, 588, 592, 595, 613, 619, 638, 639, 659[2], 666[2], 674, 677[2], 762.
England: intercourse with, lxxvi, lxxvii; the Countess of Athole and her husband forbidden to repair to, 274; the King's English soldiers in Islay at the siege of Dunivaig Castle, 716; transport of wool from, into Scotland prohibited, 288; Andrew Henderson and his wife forbidden to go to the English Court, 299; transport of cattle into, forbidden, 233–4; resort of base and beggarly Scots to, forbidden, 324–5; obligation of Archibald Boyle, not to repair to, during his lifetime, under pain of death, 335; act to prohibit the creditors of the King from repairing to the English Court, 408; a letter of Council sent to the Admiral of, in favour of Captain Wood, 419; traffic between Scotland and, 524–5; a Staple House to be established at London, 542, 574; four of the King's beds to be sent to, for repair and refurnishing, 624–5; Sir James Macdonald ends his life in, lvi.

Enzie, George Gordon, Earl of, son of the Marquis of Huntly, and brother-in-law of the Earl of Moray. *See* Gordon, Lord.
Episcopacy: composition of the Scottish Episcopate during the period of this volume xcii–xcvii.
Errol, Andro, Earl of (deceased), 75.
—— Francis Hay, Earl of, xcvii–xcviii; warded in Errol, has leave to go to Aberdeen and other parts of the north, 34–5, 36, 134, 142, 164–5; has licence to come to Edinburgh, 89, 91, 405–6; in a suit, with others, for redress of a grievance impeding their commerce in meal with the port of Leith, 118–19, 124; in an action against Dame Agnes Sinclair, 123; denounced for obstinate perseverance in "papistrie," and ordered to sequester himself in the city of St. Andrews, 169, 169 n., 272, 278–9, 281; in the feud between Gordon of Gicht and Hay of Brunthill, 494, 499; arrest of a process against, by the Council, 523–4; licence granted to, to leave his ward for six days for a conference with the Duke of Lennox, 597–8; other mentions of, 651, 847, 674.
—— Dame Agnes Sinclair, Countess-Dowager of, and now wife of Gordon of Strathdown, in an action against her son, William Hay, 75–6, 91, 123, 169, 169 n., 494, 814.
Erskine, Annas and Issobell, daughters of the late Erskine of Logie, executed for the murder of their nephew by poison, lxxviii, 172 n., 180, 239.
—— Arthur, portioner of Aucterforther, nephew of Thomas Erskine, 348, 352.
—— Sir George, justice of the peace for Fife and Kinross, 321, 156, 265.
—— Helen, daughter of the late Erskine of Logie, sentenced to death for the murder by poison of her nephew, but reprieved and banished for life, lxxviii, 172 n., 180, 199, 239, 315, 321.
—— Sir James, 573, 591, 801.
—— John and Alexander, sons of David Erskine, and nephews of Robert Erskine, victims of the poisoning conspiracy of their uncle and aunts, 94, 172 n.
—— Robert, King's master-tailor, 50.
—— Robert, son of Erskine of Logie, executed with two of his sisters for the murder of their nephew, lxxviii, 94, 315.
—— Robert, servitor to John Glendinning, 482.
—— Thomas. *See* Fenton.
—— Thomas, uncle of Arthur Erskine, 348.
Erskine, of Balgonie, John, justice of the peace for Perthshire, 168.
—— of Dun, deceased in 1592, called the good Erskine of Dun, lxxviii, 172 n.
—— of Dun, David, son of the late Erskine of Logie, 172 n.
—— of Logie, John (the late), 94, 180.
—— Lord, 94, 98, 515, 627.
Esplene, William, "culteller," burgess of Stirling, 193, 194.
Essex, Robert Devereux, 3rd Earl of, vii, 158–9 n.
—— Countess of, divorced from her husband and married to Viscount Rochester, vii, 158–9 n.
Evictions (removing from lands), cases of, 468–9.
Eviot, Finlay, in Muretoun, deceased, 814.
—— Patrick, natural son of the above, 814.
Ewatt, Mr. Peter, minister, against Lord Cathcart for delivery of a bell belonging to the kirk of Croceraguel, 163.
—— of Muretoun, Patrick, 131, 142.
Ewing, James, servitor to William Ray, 370.
—— Thomas, portioner of Southfield, warrant to, to levy a toll at the bridge of Tullibody, 555.
—— William, at Paisley, 617.
—— of Altir, James, appears as procurator, 410.
Exchequer, the former Lord Commissioners of, under the late Earl of Dunbar, 370.
—— Clerks of. *See* Duff, Alexander.
Excommunication in Scotland of the Marquis of Huntly, cancelled at London, 561 n.
Exile. *See* Banishment.
Export of cattle, 323–4; of eggs, 325–6; of gold and silver coins, 243–4; of linen yarn from Dunfermline, 439; of skins, 356, 374; of tallow and butter, 444, 445; of victual, 577–8, 591; of wool, 273, 592–3; illegal, 470.

Fairholme, James, maltman, burgess of Edinburgh, 487.
—— Jonet, daughter of James Fairholme, 487–8.
Fairley, and others, 260,
—— Hew, brother of Fairlie in Langlands, 787.
—— John, 300.
—— John, in Langlands, 787.
—— John, bailie of Edinburgh, 641, 648–649.
—— of Braid, Alexander 426.
—— sometime younger of Colmestoun, Thomas, 790.
Fairnie, George, 791.

Fairnie, Hew, 376.
—— William, in Falkland, 98.
Fairs: at Ayr, 636; at Bartill, 794; at Clackmannan, 789.
Falconer, Alexander, in Balquheiche, 511.
—— Archibald, uncle to Falconer of Halkertoun, 440.
—— David, murder of, by John Oschell, doctor of medicine, 440–1.
—— Harry, in Blakbalk, kinsman of the late David Falconer, 440.
—— Nicolas, 376.
—— William, uncle to Falconer of Halkertoun, 440.
—— of Halkertoun, Sir Alexander, justice of the peace for Kincardineshire, 266, 440–1.
—— of Innerlochtie, Hew, uncle to Falconer of Halkertoun, 309, 440.
—— of Kincorthe, Mr. Samuel, uncle to Falconer of Halkertoun, 309, 440.
—— of Newton, Patrick, justice of the peace for Kincardineshire, 266, 440.
Falcons, action by Lord Forbes against Robert Keith for harrying of a nest of, 423, 552, 802–3, 823.
Falkirk, parsonage of, 616.
—— the Earl of Orkney conveyed from Dumbarton *via* Falkirk to Edinburgh, 274.
Falkland, 99; fair of, 478; bailies of, 489; act to repair the roads between Falkland and Perth, 529; the palace of, 459; ward in the "wairdhouse" within the palace, 478, 517, 518; repairs of the palace in preparation for the King's visit, 623.
Fallisdail, Thomas, commissioner for the burgh of Dumbarton, 512; provost of Dumbarton, 792.
Farquhar (Ferquhar), Elspeth, indweller at Montrose, 161.
—— John, domestic servant of Forbes of Monymusk, 167.
Fawside of ——, George, and his wife, in "his house at Prestonpans," uncle and "fadersuster" of Jean Howieson, 99, 100, 115.
—— of that Ilk, justice of the peace, 266, 379, 647, 833.
—— apparent of that Ilk, in a commission for viewing and reporting upon the Collieries upon the Forth, 291, 372, 382.
Fae, James, and Alexander, gypsies, sons of Elspett Maxwell, commission of justiciary against, 132.
—— (Fay), John, and his son James, gypsies, 655.
Fees: of jailors at Stirling, 509; of the King's Trumpeters, 666.
Feir, Finla, in Harris, 634.
Fender, Thomas, indweller in Edinburgh, 615.
Fenton, James, servant to the Earl of Errol, witness of the Earl's band, 36.
—— Mr. John, keeper of the Register of the Comptrollery, 311.
—— Thomas, Erskine, Viscount (Lord Dirleton), vi, xii; commissions of the peace to, 266, 379, 647.
Fergund, the parish of, 524.
Fergus, John, 371.
Ferguson, Adam, in Drumfernet, fined 100 merks for resetting the Clan Gregor, 150.
—— Alexander and Robert, in Innermule, fined for the same, 104.
—— Allaster, in Ballivullane, fined 200 merks for the same, 150.
—— Bartilmew, mariner of Leith, 434.
—— Cuthbert, 616.
—— David, 91.
—— Donald, in Innerecho, fined for resetting the Clan Gregor, 104.
—— Donald Dow, in Lagan, fined for the same, 104.
—— Donald, in Miltoun, fined for the same, 104.
—— Donald, in Indendour, fined £100 for the same, 150.
—— Duncan, in Dulatour, 424.
—— Fergus, in Lagan, fined for resetting the Clan Gregor, 104.
—— James, in Logyrait, 508.
—— John, in Anny, fined for resetting the Clan Gregor, 104.
—— John, in Dulatour, 424.
—— John, 545.
—— Marjorie, daughter of Elspet Grant, 486.
—— Murdo, in Drapan, fined for resetting the Clan Gregor, 104.
—— Murdo Bayne, John Dow, and Duncan Buy, fined for the same, 104.
—— Thomas, in Glenheid, 42.
—— Thomas, "violer" in Edinburgh, and his spouse, 485, 490.
—— William, in Easter Maling, 616.
—— of Ballichandie, Adam, fined 300 merks for resetting the Clan Gregor, 150.
—— of Ballieyukan (or Ballizowkane), Thomas, fined 500 merks for the same, 150, 383, 431.
—— of Bellizulland, William, cautioner, 383.
—— of Dalduff, Gilbert, justice of the peace, 204, 619.
—— of Dercullych, William, cautioner, 383, 431.

Ferguson of the Hauch, John, fined £50 for resetting the Clan Gregor, 150.
—— of Inche, James, fined 50 merks for the same, 151.
—— baron of Muling, David, accused of murder, 524.
—— of Thraif, George and his brother David, 117.
Fernie, Hew, steward of the Stewartry of Fife, 368.
Feuds, quarrels and disputes, lxviii–lxix; Lords Torthorwald and Ochiltree, 1, 45, 45 n.; Wood of Largo and Martin of Cambo, 5, 27; Scone and Burley, 60–1, 61–2, 68, 70, 73, 76–7, 90, 92–3; the laird of Clackmannan and Bruce of Fingask, 100; Maxwell of Newark, and Montgomery of Skelmorlie, 112; Ker of Yair and the burgh of Selkirk, 127, 341; the Earl of Moray and MacIntosh of Dunnauchtane, 140–1, 152, 661; the Earl of Angus and Ker of Fernihirst, 156; George Graham and Buchanan of Leny, 160; Lord Roxburgh and Creichton of Ryhill, 165–6; Menzies of Pitfoddells and Forbes of Monymusk, 167–8, 172; Lyon of Auldbar and Wishart of Logie, 204; Wood of Fettercairn and Strattoun of Lauriston, 208; Weir of Blackwood and Weir of Clowburn, 209, 785; Nicholson of Lasswade and Richard Abercromby, 220; the Marquis of Hamilton and Lord Ogilvie, 246; the Earl of Caithness and Lord Forbes, 249, 256, 490; Lords Sanquhar and Kilmaurs and the Douglases of Drumlanrig, 252–3, 254, 256–7, 257–8; Hepburn of Waughton and Robert Douglas, 255, 255–6; Leslie of Crechie and Leslie of Wardes, 259; the lairds of Wauchton and Whittingham, 259, 267; Scone and Henderson, 261, 297, 298, 229; Wood of Bonytoun and Ogilvie of New Grange, 268, 275, 301, 525, 541–2; the Veitches of Dawik and the Hamiltons of Quotquot, 292, 293, 294, 430; Sir Robert Dalzell and Creichton, 293–4, 294; Robert and Andrew Fletcher and the burgh of Dundee, 294; the Earl of Cassillis and Kennedy of Bargany, 298, 304–8, 309, 315–16; the Earl of Cassillis and Josias Stewart, 302; the Earl of Cassillis and Lord Forbes, 308; the Tullochs of Tannacheis and Urquhart of Burrisyairds, 310, 798; the lairds of Linton and Blindlie, 315, 318; Rollock of Duncrub and Drummond of Pitcairn, 326; Cockburn of Ormiston and Hepburn of Auldcrstoun, 326, 329; the lairds of Galowshiels and Blindlie, 335, 340; Lundie of Balgony and Leslie of Newtoun, 345–6, 352; the Earl Marischal and Douglas of Glenbervie, 354; Cockburn and Sibbald, 359–60; the Earl of Perth and Lord Livingston, 362; the Master of Blantyre and Scott of Balwearie, 369; Gordon of Lochinvar and Kennedy of Bargany, 394–5, 622; MacGill of Cranstoun Riddell and Sir William Hart of Preston, 398, 406; Pringle of Buckholme and Stewart of Falshope, 398–9, 402, 411, 455, 668, 798–9; the lairds of Mertoun and Yair, 399; Leslie of Newton and Sir Robert Forrester of Strathenry, 413, 419; Wemyss of that Ilk and Ramsay of Priorletham, 419, 425, 428, 430, 431, 447, 450, 452; the Veitches and Hamiltons, 430; Pringle of Buckholm and Alexander Stewart, 455; Kincaid of that Ilk and Sir George Elphinstoun, 455, 473; Sir William Balfour and Captain Wishart, 465–6, 469, 476; the Gordons of Gicht and the Hays of Brunthill, 456, 474, 594–5; an ancient, between the Marquis of Huntly and the Earl of Moray, 466–7, 552, 661–5; Margaret Rutherford and Walter Turnbull, 468, 470; Ker of Grange and Ker of Ancrum, 502; Glendoning of Parton and Glendoning of Drumrasche, 525, 533, 552; the laird of MacIntosh and Cuming of Altyre, 540; Boswell of Pittedie and other Boswells, 545; Gordon of Lochinvar and Vaus of Longcastle, 549, 551; the Earls of Linlithgow and Perth, 608; Lundy of that Ilk and Wood of Largo, 609, 659; Bruce of Airth and Baillie of Letham, 621, 803; Lord Sanquhar and William Crichton, 525, 542, 624, 638; Arbuthnot of that Ilk and Strachan of Thornton, 625; the Lindsays of Fairgirth and the Lindsays of Auchinskeoch, 639, 654; Kirkpatrick of Closeburn and his son, 606, 646, 678–9; Mr. George Semple and Fleming of Barrochane, 657; Lundy of Balgony and the Lady Bass, 657, 659; Woods of Bonytoun and Fettercairn, 688; Wood and Balbegino, 688; Grant of Ballindalloch and Gordon of Strathdown, 688; Grants of Ballindalloch and Carroun, 688; William Hay and the lairds of Carroun and Strathdowne, 688; the Gordons of Mylnetoun and Kellie and Keith of Balmure, with others, 794–6; Grant of Wester Elcheis and Augustine Baxter, 796–7; Fraser of Muchalls and Bannerman of Elswick, 797; John and William Anderson, brothers, 799.
Fewcater, ——, in Auldcly, 178.

Fichie, Robert, in Chulquey, 639, 651.
Fidler, Thomas, in Belshamphie, 365, 379.
Fifeshire: 10; ministers warded in, xciv, 258 and n.; victual duties in, 515–6; stewartry of, 265, 368; stewards of, 514; sheriff of, 107, 406; sheriff-depute of, 643, 793; commissions of the peace for, 156, 265, 322; synod of, 258 n.
Fifeshire, John, officer in Kynnell, 481.
—— Robert, 235.
—— William, 351.
Finchinburgh, in England, royal warrant dated from, 18th October 1613, 158.
Findlay, John, 300.
—— Thomas, in Drumclog, 596.
Fines: a special committee of the Privy Council for rating the fines to be imposed on resetters of the Clan Gregor, xix–xxv, xxv n., 31–2; enumeration of persons found guilty of reset of the Clan Gregor by the commissioners appointed for the investigation of that crime, with specification of the amount of fine to be exacted in each case: in the shires of Perth and Inverness, 51–5; in Menteith, 101–5; in Inverness-shire, 119–22; in Elgin and Forres, 142–4; in Perthshire, 148–52; in Dumbarton and Strathearn, 224–9; the Earl of Argyle, against the laird of Grant, for non-payment by certain of his tenants of their fines for reset of the Clan Gregor, 71; Archibald Primrose constituted commissioner for uplifting the, imposed upon resetters of the Clan Gregor, 108–9; manuscript volume recording fines on Ressetters of the Clan Gregor, 1612–18, preserved in the Register House, 122 n.; John Logan, for popish practices, £1000, 126–7 n.; the bailies of Kirkcaldy for fining David Touch exorbitantly, 147; increased use of, in cases of minor offences, lxix; Panton of Newmanswalls, for carrying a pistolet, £40, 161; Weir of Blackwood for abduction, £11,000, 209; his fine modified to £1000, 240, 785; for non-observance of Lent, 218–19, 458; the Earl of Enzie entitled to the, imposed on persons absent from the pursuit of Cameron of Lochiel, on condition of the payment of a fifth part of the same to the treasurer-depute, 250; the Douglases of Drumlanrig for writing libels, 3000 merks, 258, 788; the Tullochs of Tannacheis, £20 to the Crown, 310, 798, *see* feuds; the laird of Kilburnie and his lady, £1000, 369; James Lennox freed from a fine of £40 imposed on him by the magistrates of Stirling, 388; commission for trying cases of adultery, and compounding with offenders, north of the Dee, 618–19; burgesses of Kirkcaldy for over-pricing English beer, 20 merks each, 786; remission of fine of 10,000 merks to Gordon of Lochinvar, 786; a number of persons for disinterring a corpse, £80, 787–8; the magistrates of Pittenweem and others for obstructing the execution of a decreet, 500 merks, 791–2; their fine modified to 300 merks, 793; the provost and a bailie of Dumbarton, for illegal arrest, £30 each, 792–3; the magistrates of Selkirk for illegal torture of two prisoners, 50 merks to the Crown and 100 merks to the pursuers, 793; the Archdeacon of Ross, for molestation of Dunbar of Avach, £100 to the Crown, 794; Sir William Keith, £40 to the Crown, 795, *see* feuds; Bannerman of Elsick, 100 merks to the Crown, 796, *see* feuds; Gordon of Tullielt, £20 to the Crown, 796, *see* feuds; Fraser of Muckalls for assault, £40 to the Crown, 797; Grant of Wester Elchies for an assault in 1606, 200 merks to pursuer, and 100 merks to the Crown, 796–7; Wood of Bonnytoun for carrying fire-arms, £100, 797–8; William Muir for illegal export of tallow, £80, 798; Stewart of Falshope for obstructing the execution of a decreet, £20, 798–9; Malcolm Crawford and his mother, their punishment commuted to a fine of £1000, 799; John Anderson, for quarreling with his brother, £20, 799; Leslie of Pitcaple, for resetting a rebel, 100 merks, 800–1; Robert Keith for wearing firearms, 10 merks, 803; Aulay MacAulay, fiar of Ardoch, for offences to the burgh of Stirling, 100 merks, 841; imposed on persons convicted of assault: James Murray, £40, 377; John Muirhead, £30, 397–8; Michael Tostis, 100 merks, 428; Hew Campbell, £30, 587; Gavin Murray, £10, 645; Harbert Dickson, £40, 650; Patrick Fleming and others, 200 merks, 655; Mr. David Williamson, minister of Inneraritie, £8, 660; Francis Wilkieson, 150 merks, 785–6; David Gray, younger, £40, 788; Richard Imrie and others, 100 merks, 789–90; Patrick Carkettle, £100, 790–1; George Davidson, 20 merks to the Crown, and 40 merks to the pursuer, 799–800; David Kinloch, 40 merks to the Crown, and £40 to pursuer, 788–9; David Bigholme, 200 merks to the Crown and 300 merks to pursuer, 801–2; Harry Purves, surgeon, 100 merks, 802; Robert Forbes, 100 merks

to pursuer, £50 to the Crown, 803; Douglas of Pumpherstoon, £40 to pursuer, 40 merks to the Crown, 804; Meldrum of Iden, 200 merks to pursuer and 100 merks to the Crown, 804; Robert Forbes, 100 merks, 844–5; (forfeited caution money), 787, 802, 803; cases of, from the Book of Fines, pp. 785-804.
Fingask, the laird (or baron) of, 529, 814.
Finlay (Finla), Michael, a farmer of the King's Customs, 247.
—— George, in the Leanoche, 410, 661.
Finlayson, Adam, merchant burgess of Edinburgh, 523, 802.
—— Dawnie, in Aberfoyle, fined for resetting the Clan Gregor, 102.
—— John, in Bracho, fined £100 for the same, 229.
—— John, 300.
—— apparent of Killeith, Mr. John, 426.
—— Margaret, spouse of John Stewart, skipper in Leith, 344.
—— Thomas, printer in Edinburgh, 252.
—— Walter, merchant burgess of Edinburgh, 473.
—— William, servitor to Thomas Merkinstoun in Leith, 527.
Fire-arms: cases of unlawful wearing of, 234, 249, 389, 487–8, 552, 587; Lord Gordon's commission against persons illegally carrying, within the shires of Aberdeen, Banff, Elgin and Forres, 445–6; royal warrant to the Council to grant licences to certain of the Island Chiefs for carrying, 626. *See* Weapons.
Fire-raising, cases of, 60, 132, 201–2, 379–80, 451.
Fish and fishing, lxx, lxxi–ii, lxxiii; an impost on salt and dry fish granted to St. Andrews, 86; the Duke of Lennox petitions for a commission to lift the assize herring in the North Isles, 231; proposals for a tack of the assize herring of Dunbar, 239, 282; commissions against poachers on the Leven, 665; against illegal fishing and poaching on or near the Ythan, 374, 666, on the water of Enrick, 423; case of two conflicting monopolies in a new industry of making red-herring, 436–9, 452, 591, 620, 640–41; action to recover fishing dues, 557–8; act against forestalling the sale of herring at Dunbar, 572–3; the Commissioners of Burghs "anent the bush-fishing," 574; act of the Convention of Burghs in July 1616 for remedying a defect in the construction of barrels for white fish, &c., 578–9; commission for trying the forestaller of the markets of herring in the parts north of the Forth, 625–6.
Fisher, Michael, in Darnik, and his brother Thomas, 841.
—— Thomas, merchant burgess of Edinburgh 39, 385, 841.
Flaebairne, William, merchant burgess of Edinburgh, 93.
Flanders, order of Council to the Provost of Edinburgh to arrange for the transport of Alison Simson, a nun, to, 237.
Fleming, Alexander, son of Fleming of Barrochan, 618.
—— Charles, at Straloch, fined 100 merks for resetting the Clan Gregor, 151.
—— Elizabeth, in Corslat, 586.
—— James, burgess of Kinghorn, 510.
—— James, in Boghall (Heidgait) and James, his son, 618.
—— (Fleeming), John, process against, for speeches of treason, 331.
—— (Flemyng), Dame Margaret, spouse of Forrester of Gairden, 460.
—— Patrick and James, sons of the late John Fleming, 475.
—— Patrick, in Corslie, 618.
—— Patrick, in Corlihillis, 618.
—— Patrick, in Ryla, 618, 655.
—— Patrick, eldest son of Fleming of Barrochan, 618, 655.
—— Robert, in Guslet, 618.
—— Thomas, in (Mekle) Killilane, 618.
—— of Barochane, 18, 618; justice of the peace, 637.
—— sometime of Blaklaw, John, murder of, 475.
—— of Boghall, James, 618.
—— of Mones, Alexander, fined £1000 for resetting the Clan Gregor, 152, 220.
—— Lord, assessor to the magistrates of Glasgow in the trial of Ogilvie, 305 n.
Flesher, David, writer to the signet, 59.
Fleshers of Edinburgh, action against, for selling flesh in Lent, 552; of Stirling, and their deacon, 8. *See* Crafts.
Flet, lands of, 276.
Fletcher, David, in Lundem, 508.
—— Robert and Andrew, at Dundee, 206, 294.
Flukair, John, surgeon, burgess of Edinburgh, 557, 591.
Fogo, William, in Arnecreich, 38.
Foord, Cristean, 260.
Foothie, Jonet, spouse of David Cletoun, 481.
Forbes, Alexander, bishop of Caithness, 44 n. *See* Caithness, Bishop of.

Forbes, Alexander, eldest son of Forbes of Tolquhane, has licence to travel, 598.
—— Alexander, in Carneday, 659.
—— Duncan, 826.
—— Francis and Arthur, burgesses of Forres, 798.
—— Issobell, sister to Forbes of Ardmurdo, 166.
—— James, 91, 123.
—— James, brother to the Goodman of Feichlie, 830.
—— John, sometime servant to Sir Robert Creichton, 155, 175.
—— John, Robert, and Mr. James, sons of Forbes of Monymusk, 167.
—— *alias* Burngrange, John, domestic servant of Forbes of Monymusk, 167, 168.
—— John, 260.
—— John, appears as procurator, 383.
—— Margaret, the Lady Mary : *see* Sinclair, 538, 552.
—— Patrick, citizen of Dunkeld, deceased, 383.
—— Patrick and Alexander, sons of Forbes of Boharm, 390.
—— Patrick, eldest son of Forbes, sometime of Lethintie, 420.
—— Robert, in Meweis, 118.
—— Robert, in Tartowie, 558.
—— Robert, 591.
—— Robert, son of Francis Forbes, 798.
—— Robert, son of Forbes of Monymusk. *See* Forbes of Cowlye.
—— William, in Over Riemoir, fined for resetting the Clan Gregor, 143.
—— Mr. William, 272.
—— William, in Boharm, 390.
—— of Ardmurdo, John, brother's son to the Bishop of Caithness, 166, 167.
—— of Boharm, John, 390, 392–3.
—— of Boquhan, John, 361.
—— apparent of Campdell, Duncan, 118.
—— of Cowlye, Robert, son of Forbes of Monymusk, 803, 844.
—— of Echt, John, 2–3.
—— called Goodman of Feichlie, John, 830.
—— of Lethintie, James, 59, 107, 420.
—— of Lethintie, Mr. Duncan, 267.
—— of Logie, John, 387.
—— of Many, Mr. William, 267.
—— William, elder, of Monymusk, 167–8, 172–3, 267, 803, 844.
—— of Portlethin, William, 266 ; justice of the peace, 67.
—— of Rires, Arthur, justice of the peace, 156, 265.
Forbes of [Tolm] addis (?), James, 118.
—— of Tolquhone, William, 119, 248, 374, 598, 666.
—— Arthur, Lord, against Sinclair of May, 197; quarrel with the Earl of Caithness, lxvii, 249, 256, 308, 823, 826, 827, 828, 830 ; appears as procurator, 420, 538 ; against Robert Keith, 423 ; a Commissioner in the New Court of High Commission, 437 n. ; commission passed against persons burning his corn, 451, 552 ; against the Earl of Caithness for resetting criminals, 490, 514, 541 ; cautioner, 771 ; a list of his tenants, 826.
Ford, James, servitor to Sinclair of Blans, 444.
—— (Fuird), James, 514.
—— Roger, at Dumfries, 635. *See also* Furd.
Fordell, the laird of, 529. *See* Henderson.
Foreigners, two Greeks in Scotland, 465; certain foreign fishermen apprehended on false suspicion, and afterwards released, 275. *See* Fouconat, Nicolas.
Forest of Mamlorne, 68.
Forfar, charge to the burgh of, 192 ; commission to the magistrates of, 345 ; commissions to the sheriff of, and his deputies, 44, 68, 202–3, 369, 404–5, 559; justices of peace for the sheriffdom of, 117; sheriff-principal of. *See* Gray, Lord.
Forfer, James, in Wysmanstoun, 511.
Forgery, case of, 524.
Fork, Robert, messenger, 618.
Forman, James, water-bailie of the haven and port of Leith, 344, 352, 698.
—— John, at Kinghorn, 545.
Forres, burgh of, 23; commissions to the sheriff and depute of, 202–3, 404–5; Lord Gordon's commission to the shire of, 445–6.
Forrest, David, servitor to Alexander, Earl of Dumfermline, 170.
—— John, wobster, burgess of Perth, 65.
—— John, in Poighous of Crawfurdjohn, charged with destroying a mill, 180.
—— John, 352.
—— Mr. Patrick, procurator-fiscal, 839.
—— Thomas, in Cokishill, 76.
—— of Burrowfield, James, 196.
Forrester, Alexander, 260.
—— Mr. Andro, minister at the parish kirk of Dunfermline, and Helen Ramsay his spouse, 450.
—— Duncan, 260.
—— Edward, commissioner of the burgh of Kirkcudbright, 344–5, 363.
—— George, fiar of Corstorphine, 426.

Forrester, Issobell, "oy" of the late Agnes Nicoll, 460.
—— John, burgess of Edinburgh, 426.
—— John, wobster, burgess of Perth.
—— John, in Strathenrie, 479.
—— Robert, 260.
—— Robert, against William Stewart, 260.
—— Thomas, against the magistrates of Haddington, 651.
—— William, burgess of Stirling, deceased, 460.
—— of Gairden, Sir James, and Dame Margaret Flemyng his spouse, 460.
—— of Strathenrie, Sir Robert, 413, 419, 479–80, 489, 508.
—— of Torwoodheid, Sir James, and his son Alexander, 450, 470.
Forret, Davie, 261.
—— of that Ilk, David, and his spouse Cristeane Meldrum, action against, by Ramsay of Priorlethame, 83, 91.
—— fiar of that Ilk, James, and his spouse Jeane Hering, 83; cautioner, 366.
Forsyth, David, in Kinlos, 341.
—— James, merchant, in Stirling, 633.
—— John, in Kirkwood, 668.
Forth, the River, 291; collieries on the, 382–3; herring markets on the, 625–6.
Foster, Bartilmo, in Aber, fined £100 for resetting the Clan Gregor, 124–5.
—— of Corstorphine, Harry, 426.
Foucater, Patrick, in Little Kilbryde, 178.
Fouconat, Nicholas, Frenchman, burgess of Edinburgh, 370.
Foullis, George, the King's master cunyeour, 74, 75, 823 ; a commissioner for the burgh of Edinburgh, 506, 572.
—— John, appears as procurator, 511.
—— Thomas, goldsmith, burgess of Edinburgh, a partner with Alexander of Menstrie and others in the silver mines of Hilderston, 15–17; the King's missive and warrant for the articles of feu, 221; is accused by the provost and bailies of Linlithgow of drawing water away from the corn mills of that burgh, 99, 814, 123; anent the refining of silver out of lead, 95–6, 108; in an action against Ross of Tortrevin, for wilful injury to the mining operations, 146–7; contracts with the treasurer-depute to supply 2000 stone of lead for repairs in Edinburgh Castle, 328, 329, 331; Council's letters to the King in favour of, 389, 431.
—— Mr. Robert, advocate, commission to, 221.
—— of Colinton, Sir James, justice of the peace, 406.
Foulwood, the laird of, justice of the peace for Dumbarton, 833.
Fowler, William, burgess of North Berwick, 116, 124.
Frank, Archibald, commissioner for the burgh of Peebles, 506, 572.
Franshe, Mr. Robert, minister at Holyrood, 369.
Frasell, Thomas, in Catchapell, charged with assault on a messenger, 510.
Fraser, Ross, and Munro, lieges bearing the names of, exempted from service against the Lewis, 611.
—— Andrew, notary, 808.
—— Cuthbert, servant of Gordon of Inverbrochet (or Glenbucket), 390, 393.
—— Mr. George, appears as procurator, 354.
—— George, in Corsky, 371, 659.
—— James, servitor to Fraser of Muckalls, 371, 659.
—— James, a "Scottisman," resident at Algiers, ransoms eleven Scottish mariners from slavery, 434–5.
—— John, chirugeon, 812.
—— Mr. Michael, Mr. William Brown against, 321.
—— Sir Robert, 514.
—— Thomas, burgess of Inverness, fined for resetting the Clangregor, 121.
—— Thomas, in Pitcowlynis, son of Fraser of Muckalls, 371.
—— Thomas, 514.
—— of ——, John, justice of the peace, 204, 619.
—— of Knok, John, commission against resetters of the Clan Gregor to, 264.
—— of Lovat, Simon, Lord, 259 ; commission of justiciary to, against North Islesmen, 605–6.
—— of Muckalls, Andro, elder, 371, 375, 688.
—— apparent of Muckalls and also of Stanywood, Andro, son of the above, 367–8, 371, 375 ; cautioner, 688; 797.
—— of Strichen, Thomas, 374.
Fraud, case of, 492.
Freeman, ——, domestic servant of Forbes of Monymusk, 167.
French, Robert, in Middlegill, 447.
—— Roger, a constable of the peace in Moffat, and his sons David and Edward, 447, 546–7, 552.
—— of Thornidykes, Robert, deceased, father of Adam French, 422.
—— of Thornidykes, Adam, son and heir of the above, lxxvii–ix, 422 ; put under the charge of the Archbishop of Glasgow, 423,

425; redelivery of, to Home of Northberwick, 432, 447, 528, 552.
Friach, Hucheoun, in Rathiemurchus, fined for resetting the Clan Gregor, 122.
Froude, James, in Lindem, 508.
—— Robert, servitor to the Earl of Home, 642, 643.
Fugatour, Gibboun, in Ferlingbrek, fined 20 merks for resetting the Clan Gregor, 225.
Fugitives, in the Middle Shires, commission to apprehend, 445; from Ireland, act for the arrest of, 519–20; pursuit of, from the West Isles, after the suppression of the rebellion there, 756; a debtor from Aberdeen Tolbooth, 678.
Fullerton, John, merchant burgess of Dundee, 629.
—— of Crago, William, 48; justice of the peace, 689.
Fultoun, John, in Wood of Dalrumple, 799.
Funeral, action against Patrick Bruce of Fingask, for interrupting a, 97–8.
Furd, Michael, in Dunglas, 642.
—— Walter, at Pittenweem, 791.
—— of Beankestoun, Alexander, 425.
Furniture (Plenishing), of certain dwelling-houses in Findhorn, described, 443.
Futhie, Robert, in Culquhey, 616–17.
Fyn, apparent of Hilsyd, Mr. John, 475.
Fyell, David, in Balcormo, 38.
Gairdin (Gardin, Garden), the place of residence of Rowan of Bandane, 175–6.
—— Alexander, tailor in Freok, 481.
—— Daniel, skinner, burgess of Edinburgh, 49.
—— David, servant of the laird of Cluny, 155, 175.
—— George, servant to the laird of Pitfoddels, 173.
—— Gilbert, 352.
—— Gilbert, skipper, burgess of Dundee, 406.
—— James, litster, burgess of Edinburgh, 507–8.
—— James, "maister cannoner" of the Castle of Stirling, 633.
—— John, brother of Garden of Dunbarrow, 481.
—— Mr. Robert, at the Mill of Tannadice, 49.
—— Robert, brother of the laird of Leyis, 660.
—— Thomas, 489.
—— Walter, 259.
—— of Dunbarrow, 481.
—— of Legaston, Thomas, 481.
Gairdner (Gardner), Alexander, at Montrose, 163.
—— James, cannoneer, 708.
—— John, 545.
—— Robert, notary public, 614.
—— Thomas, in Aber, fined 50 merks for resetting the Clan Gregor, 226.
—— William, at the kirk of Drymmen, fined 10 merks for the same, 226.
Gairloch, lands of, 720.
Gairn, James, litster in Edinburgh, 403.
—— John and Thomas, brothers of Garne of Drumbarrow, 117.
—— (Garne), of Drumbarrow, James, 117.
Gairson, Donald Angus, murder of, 255, 286–7.
Gantillat. *See* Weapons.
Galbraith, Andro, in Thayne Darroch, 585.
—— John, merchant burgess of Glasgow, 351, 658.
—— Patrick, in Dowart, fined for resetting the Clan Gregor, 103.
—— Patrick, in Auchingeich, 178.
—— Walter, in Aber, fined 50 merks for resetting the Clan Gregor, 226.
Galleys and birlings, to be used in pursuit of Sir James Macdonald, 346–8; description of a galley, 347–8.
Gallowshiells and Blindlie, submission of feud betwixt, 335, 340.
Galloway, in Scotland, the Chapel Royal of Stirling annexed, at its foundation by James IV., to the bishopric of, 493; the sheriff of, 812.
—— the Bishop of (Mr. William Cooper), 44 n.; on a royal commission for the visitation of Glasgow University, 196; commission to, against witches, 231, 327; certain writs delivered to, relating to the Chapel Royal of Stirling, 296–7, 297, 492–4; submission and decreet arbitral betwixt, and the relict of the late Bishop of Galloway, 303; preaches in the Chapel of Holyrood, 412; is appointed one of the Commissioners in the New Court of High Commission, 437 n.; is on the commission of bishops to examine and report upon the book entitled "God and the King," 521, 530.
—— Elizabeth, relict of James Alexander, 139.
—— John, in Park of Cluny, servant to Gordon of Cluny, 803, 844.
—— Mr. Patrick, minister at Edinburgh, appointed one of the Commissioners of the New Court of High Commission, 259, 437 n.
—— Robert, in Tullivady, 422, 801.
—— Robert, at Cluny, 803.

Galloway, Thomas, in Kilmaronok, fined £10 resetting the Clan Gregor, 225.
Galt, John, in Kirkstyle of Dreghorne, action against a number of persons for riotously disinterring the body of his deceased wife, 260, 787.
Galway, in Ireland, commerce between Scotland and, 567.
Game, appointment of the Earl Lothian to be preserver and keeper of the royal, 473–4; game laws enforced in view of the King's intended visit in 1617, 504–5.
Garleis, Alexander, Lord, justice of the peace for Dumfriesshire, 73, 210.
Gariauche, John, servitor to Lord Forbes, 802, 823, 826.
—— William, 371.
Garrihorne, laird of, cautioner for Earl of Cassillis, disapproved by the Council, 316.
Garrow, Duncan, in Dalchorres, fined 50 merks for resetting the Clan Gregor, 149.
—— Gilliechreist, in —— 187.
Garson, Angus, in Kerenemayne, father of the late Donald Angus Garson, 223.
—— Donald Angus, sometime in Guidis, murder of, 223.
Gas, David, in Knox, 588.
Gaw, Donald, in Brae of Abernethie, fined for resetting the Clan Gregor, 121.
—— William, in Rathemwne, tenant and servant of the laird of Grant, 139.
—— William, fined £20 for resetting the Clan Gregor, 151.
—— Patrick, smith in Dell, fined for the same, 54.
—— of Maw, John, justice of the peace for Perthshire, 168.
Gay, John, 259.
Ged, John, bailie of Burntisland, 372, 373, 374, 376.
Geddes, Charles, merchant burgess of Edinburgh, 436–9.
—— James, son of John Geddes, deceased, 2, 19.
—— Janet, 212.
—— John, "umquhill portioner of Kirkard," father of James Geddes, 2.
—— Thomas, brother of Geddes of Rauchane, 2.
—— of Rauchane, Charles, 2; justice of the peace for Peeblesshire, 73.
Geddie, Walter, at St. Andrews, accused of clipping the coin of the realm, 55, 85; Council's letter to the King anent, 298.
Geillis, James, domestic servant of Forbes of Monymusk, 167.
Gellatly, Thomas, in Woodside, Alloway, 573.
Gemmill, Andro, in Greenhill, 586.
George, Archibald, provost of Irving, usury case, 411.
Georgeson, Allaster, in Ulgrumbeg in Caithness, 491.
—— Allaster, in Portskerauch, 771.
Gevin, William, at the kirk of Drymmen, fined £20 for resetting the Clan Gregor, 226.
Gibb, David, in Caldcoitis, 511.
—— (Gib), Elizabeth, spouse of Sir Peter Young, 111.
—— John, son of Gibb of Carribber, 130, 142.
—— John, one of the grooms of the King's bed-chamber, 296.
—— John, in Stirling, 400.
—— John, "cultellair," 400.
—— (Gyb), Robert, burgess of Linlithgow, 168.
—— of Carribber, John, deceased, 130.
Gibbanach, Duncan, in Delnabo, 404.
Gibbeson, Mr. John, minister at Dalmeny 335, 388.
Gibbet, used for hanging, 442.
Gibbon (Gibbun), James, in Lanye, fined for resetting the Clan Gregor, 104.
Gibson, Adam, 352.
—— Alexander, at Dundee, prosecuted for the slaughter of William Kay, 44, 68.
—— James (late), in Rottounraw in Angus, father of Alexander Gibson, 44.
—— James, servant of Stewart, one of the guard, petitions, and is released from the Tolbooth of Edinburgh 123, 110–11.
—— John, in Loak, 84.
—— Mr. John, coal-grieve at Airth, 629.
—— Thomas, in Kirkwood, 668.
—— of Durie, Mr. Alexander, one of the clerks of session, 431.
Gifford, Thomas, elder, and Thomas, younger, at Dalkeith, 433.
—— (Giffert), of Wattersteill, Andro, justice of the peace, 224.
Giga, Isle of, off Kintyre, 758, 763.
Gilbert, Robert, in Loak, 84.
Gilbertson, Alexander Hay, in Hiltoun, 538, 542.
—— Donald, at Achalabist, in Caithness, 491.
—— Rorie Donald, 773.
Gilchrist, Alexander, locksmith in Torbreckis, against the magistrates of Stirling, 193–4, 541, 552.

Gilchrist, Jonet, in Leith, 426.
Gillane, Alexander, in Coatfield, 24, 552, 526.
—— Thomas, in Hatoun, 557.
Gillandreis, piper at Dingwall, fined for resetting the Clan Gregor, 54.
Gillespie (Gilsepie), against the Earl of Tullibardine, 321.
—— Mr. James, minister at Killerne, kinsman of Helen Graham, 353.
—— John, 351.
—— John, in Howgill, 391.
—— Jok, in Howgill, 391, 392.
Gillespik, Coll. *See* Macdonald.
Gillies, George, in Tortrevin, 146.
—— Jonet, mother of John Christie, 590.
—— Robert, in Abbotsinch, 586.
Gillimarten, John, in Geyche, fined for resetting the Clan Gregor, 121.
Girvane, Thomas, in Kilbryde, 42.
Girvane-Mains, the laird of, cautioner, 361; justice of the peace for Carrick, 833.
Gladstanes, Mr. Alexander, archdeacon, and son of the archbishop of St. Andrews, apprehends Mr. James Moffat, 284, 284 n.
—— Mr. G., member of the Court of High Commission, 840.
Gladstanes (Gledstanes), George, Archbishop of St. Andrews. *See* St. Andrews, Archbishop of.
—— Mr. Herbert, minister at Troqueir, 396.
—— John, "callit in Windingounhall," 479, 489.
—— Mark, burgess of Edinburgh, 76, 91, 443–4, 469, 470.
—— Walter and James, brothers of John Gledstanes, 479.
—— Walter, son and heir of the late Gledstanes of Cocklaw, 566, 591.
—— of Cocklaw, justice of the peace for Roxburgh, 162, 163, 566.
Glas, Donald, in Kinkell in Ross, fined for resetting the Clan Gregor, 121.
laschee, James, in Mekle Suddy, 794.
Glasgow, Burgh of, in the matter of Stercovius, 192–3; the commissioners of, compear, 193; Donald Gorme of Sleat, confined within the burgh of, 707; released thence to serve in Islay, 267; a letter of Council carried by the laird of Caddell to the archbishop and magistrates of, concerning the furnishing of supplies for the King's English soldiers in Islay, 716; King's letters to the Council anent celebration of the mass in, 280; account of the trial and execution of John Ogilvie at, 304–7 n.; proclamation at the market cross of, prohibiting the sale of gunpowder, lead, and lint for the use of Sir James Macdonald and his fellow-rebels, 741; charge to, to furnish Campbell of Auchinbrek with needful supplies for the pursuit of Sir James Macdonald, 350; public penance done by Malcolm Crawfurd and his mother in the High Kirk and in the New Kirk of, 367; the new Archbishop of, admitted of the Council, 381, 381–2 n.; consolidation of the Courts of High Commission of Glasgow and St. Andrews, 435–7 n.; hunting of hares prohibited within eight miles of the burgh of, 459; the Captain of Clanranald at, on his way to Edinburgh, 574; bailie-depute of the regality of, *see* Stewart, Sir Walter; the Castle of, mentioned as the residence formerly of the late Duke and Duchess of Lennox, with description of a chamber within the dungeon of the castle, 521; the University of, lxxvii; commission for the visitation of the college of, 195–7; the regents of the college, 196; the principal of the college, 196, 305 n.; the provost of the burgh, 305 n.; the magistrates of, 278, 401, 484; the town-house of, 305 n.; the Customers of, 514; the Province of, xcv.
Glasgow, Archbishop of (Spotswood), v, ix, xiii, xv, xx, lxxxix; in a committee of Council to appoint fines, 32; present at a Court of High Commission at St. Andrews in April 1613, 44 n.; letters of, to the Chancellor, dated at Glasgow, August 2nd 1613, 815; in a commission to examine Mr. Robert Phillop, priest, under torture if necessary, 815; letters of Council to, 163; one of the commission for visitation of the University of Glasgow, 195–7; appointed censor of books with the Archbishop of St. Andrews, 252, 340; apprehends the Jesuit Ogilvie, 284, 284–5, 304–7 n.; in a commission to try Mr. James Mowatt and others, 336–7, 352; is transferred by royal patent to the archbishopric of St. Andrews, 336 n., 381–2 n.; inaugurated at St. Andrews on August 6th, 1615, and holds a Court of High Commission, 380 n. (*for further entries, see* St. Andrews, Archbishop of); commissions of the peace to, 72, 73, 162, 204, 211, 266 (*see also* St. Andrews, Archbishop of); signs for Council, 72, 87, 96, 107, 108, 119, 152, 170, 180, 204, 206, 208, 219, 220, 223, 251, 255, 256, 270, 271, 301, 318, 369, 374, 379 (*see also* St. Andrews, Archbishop of); present in Council, 5, 6, 11, 18, 20, 23, 29, 37, 68, 70[2],

73², 75, 81, 85, 87, 89, 91, 93, 96², 99, 100, 101, 105², 108, 109, 112, 113, 115, 119, 133, 135, 144, 163, 168, 169, 170², 171, 172, 174, 175, 180, 182, 183, 184, 197, 198, 199, 201, 203, 204, 205, 206², 207², 215, 218, 219, 220, 249², 251, 252, 254³, 255, 256, 261, 267, 284², 294, 295, 299², 300², 301, 302², 303, 310, 311, 316, 318, 336, 340, 341, 346, 352, 354, 355, 381², 383 (*see also* St. Andrews, Archbishop of).

Glasgow, Archbishop of (James Law), xii, xv, xvi; removed from the archbishopric of Orkney, and appointed in succession to Spotswood, 381 n.; admitted of the Privy Council, 381, 381 n.; mentioned in a royal letter to Council, 745; the oath of allegiance and of homage to the King administered to, in Holyrood Chapel, 411–12; appointed Commissioner in the United Courts of High Commission, 437 n.; has charge of French of Thornidykes, 422, 423, 425, 432, 448, 451, 466, 477, 528; mentioned, 493; appointed one of the commission of bishops to examine and report on "God and the King," 521–2, 530–1; commissions of the peace to, 619, 637; one of the Commissioners for the King's rents, 676; signs for Council, 414, 424, 430, 446, 451, 457, 478, 482, 484, 488, 524, 539, 542, 555, 559, 636, 637, 811, 824; present in Council, 405, 406, 407², 408, 412, 413, 414, 419, 423, 425, 428, 430, 431, 445, 446, 448, 449, 450, 451, 452, 456², 475, 476, 477, 478, 479, 483², 485², 494, 515, 522, 525², 529, 531², 533, 534, 538, 540, 541, 553, 555, 556², 559, 566, 580, 602, 604, 605, 619, 623, 627, 667, 669, 674, 677, 746, 762.

Glassin, James, smith, 618.

—— Thomas, 618.

Gledstanes, *See* Gladstanes.

Glen, Adam, miller at Finlas, 178.

—— Alexander, servitor to Forbes of Lethintie, 82.

—— Alexander, now spouse of Rossie Laing, 648.

—— Mr. Archibald, parson of Carmannock, 195–7.

—— James, in Drumfeirne, 178.

—— Thomas, dag-maker in the Canongate, 617.

—— Robert, officer of Dumbarton, 793.

Glenarkney, the royal forest of, 608.

Glenbervie, laird of, justice of the peace in Kincardineshire, 67, 374.

Glencairn, James, Earl of, member of Privy Council, v, xiv, xxxv, 105, 106; feud with Eglinton, 260, 300, 321, 420, 423, 510–11, 514; cautioner for Maclean of Duart, 575; his tenants and servants fined for corpse-lifting, 787–8; licensed to eat flesh in Lent, 831; justice of the peace, 204, 619, 637; signs for Council, 42, 44, 68, 100, 152, 219, 223, 309, 318, 393, 414, 424, 445, 539, 542, 547, 579, 598, 665; present in Council, 29, 37, 63, 65, 89, 96², 113, 115, 133, 135, 144, 170, 171, 172, 180, 182, 183, 184, 198, 213, 218, 219, 220, 246², 298⁴, 299, 300, 302², 303, 304, 308², 309², 311, 389, 412, 413, 414, 419, 423, 441, 534, 538, 540, 541, 543, 544, 566, 573, 575, 577, 580², 581, 588, 592, 595, 660, 694, 695.

Glencairn, Lord Kilmaweris, master of, 105, 106.

Glendinning (or Glendoning), David, in Howgill, 391.

—— David, in Cleuchsyd, 391, 392.

—— Martin, 212.

—— Robert, brother of John Glendinning, 481.

—— William, servitor to the same, 482.

—— of Drumrasche, John, 481–2, 489, 525, 533, 552.

—— of Mochrum, James, Master of Morton in Glenane, 173, 407.

—— of Parton, feud with Glendoning of Drumrasche, 525, 533, 552.

Glenfalloch, housebreaking in, 636.

Glengarry, Laird of, 347, 739, 759.

Glenny, George, at the Mill of Auchorteis, 395, 800.

Glenurquhy, cattle-stealing on the lands of, 636; the laird of, *see* Campbell of Glenorchy.

Glessill, William, at Duncow, 613.

Glorat, the laird of, justice of the peace for Dumbarton, 833.

"God and the King," cvii–cix, *See* Books.

Goddie, Robert, merchant burgess of Edinburgh, cautioner, 159.

—— William, at the Mill of Kirkmichael, usury case, 411.

Godsoun *alias* Ediesoun, Michael, in Over Denmure, 432.

Gold, "a little chenyie of gold," part of treasure-trove, 343. *See* Coins.

Golf (gowff), upon the links of Leith, 455.

Goodlatt, James, one of the King's Guard, 76.

Goold, Adam, messenger, 455, 487.

Gordon, a tailor in Dunblane, 97.

—— Adam, in Auchiregin, 131, 132.

—— Adam, in Glencoich, fined 10 merks for resetting the Clan Gregor, 151.

Gordon, Adam, brother of Gordon of Gicht, 365–6, 375, 379.
—— Adam and another, sons to Alexander Gordon at Cornell, 576.
—— Allaster, in Kinginsbeg, fined for resetting the Clan Gregor, 54.
—— Allaster, in Kirkmichael in Strathowne, 404.
—— Alexander, 124.
—— Alexander, petitions to take his oath, 142.
—— Alexander, brother to the Earl of Sutherland, commissions of fire and sword against Cameron of Lochiel to, 185–6, 189–91.
—— Alexander, brother of Gordon of Gicht, prosecuted for the murder of Francis Hay, 497–502, 499, 500, 501, 502; for papistry, 576, 594–5.
—— Alexander, 592.
—— Alexander, in the Schell of Greine, 812.
—— Catherine, mother of Lord Byron; her descent from the Gordons of Gicht, 577 n.
—— George, in Coultfauld, 24.
—— George, 91.
—— George, 687.
—— George, 526, 552.
—— George, servitor to Sir William Keith, 794–5.
—— George, servitor to Bannerman of Asland, 795.
—— James, in Pharlatie, fined for resetting the Clan Geegor, 54.
—— James, son of a tailor in Dunblane, 97, 123, 814.
—— James, stabler in Edinburgh, 478, 489.
—— James, "cordiner" in Edinburgh, 478, 489.
—— James, brother of Sir Robert Gordon of Lochinvar, 549, 551.
—— James, in Lettifoure, 576.
—— James, appears as procurator, 667.
—— John, freed from ward, 65.
—— John, third son of Gordon of Carneburrow, 348–9, 352.
—— John, servant of Leslie of Wardes, 387.
—— John, in Wester Innerurie, 404.
—— John, Francis, Lawrence, and Adam, the younger sons of the Marquis of Huntley, and brothers of Lord George Gordon, 440 n.
—— John, brother to Gordon of Gicht, prosecuted for the murder of Francis Hay, 497–502, 500, 501; for papistry, 594–5.
—— John, 592.
Gordon, John, brother of Gordon of Mylnetoun of Kellie, 794.
—— Mr. Patrick, agent of King James against Stercovius, 43, 191–3, 251; receives 6000 merks, 260, 403.
—— Patrick, brother of Gordon of Gicht, prosecuted for the murder of Francis Hay, 497–502, 499, 501, 502; for papistry, 576, 594–5.
—— Patrick, in Rynnie, 576, 812.
—— Patrick, Alexander, and Robert, brothers of Gordon of Ardlogy, 587.
—— Patrick, in Boighead, 801.
—— Robert, brother to the Laird of Gicht, prosecuted for the murder of Francis Hay, 479–502, 499, 501, 502; for papistry, 576, 594–5.
—— Robert, in Den, 555.
—— Walter, craves liberty to make buffill, &c., 687.
—— William, in the Mains of Gicht, prosecuted for the murder of Hay, 497, 499, 501, 502, 576.
—— William, apparent of Benholm, 576.
—— William, 592.
—— of Ardlogy, John, sheriff-depute of Aberdeen, 500, 552, 587, 802.
—— of Auchmeddin, Alexander, brother to the Earl of Sutherland, 223.
—— of Auchregyne, James, 131.
—— of Balgultoun, William, 812.
—— of Barskeoch, Alexander, deceased, 667.
—— of Barskeoch, George, nephew and heir of the above, 667.
—— of Batill, James, brother of Gordon of Lochinvar, 653.
—— of Battorie, Thomas, 576.
—— of Benholm, 576.
—— of Birsmoir, John, brother to Sir Thomas Gordon of Cluny, 663.
—— of Buckie, John, sheriff-depute of Inverness, 2, 19; denounced at the instance of the Queen's Chamberlain for not presenting one of the Queen's tenants who is at the horn for debt to the Queen, 83, 112, 132; commissions of fire and sword against Cameron of Lochiel to, 185–6, 189–91.
—— of Carneburrow, 348.
—— of Clubbisgoull, John, sheriff-depute of Aberdeen, 497, 498, 501, 605 n.
—— of Cluny, Alexander, commissions of fire and sword against Cameron of Lochiel to, 185–6, 189–91, 318, 678, 803, 844, 539, 663.
—— of Cornellatt, Alexander, 576.
—— of Dawach, James, 576.

Gordon of Drymes, John, 812.
—— of Gicht, George, lxxix–lxxxiii; licensed to go abroad and remain there for his lifetime, 206; mentioned, 421; feud with the Hays of Brunthill, 456, 474, 474–5, 489, 494–6, 594–6; prosecuted with others for the murder of Francis Hay, 496–502, 498, 499, 500, 501, 502, 514; action against, by Leask for assault, 585, 592; prosecuted for papistry and other crimes, 555, 575–7, 576, 577 n., 582, 594–5, 605 n. 844; the descent of Lord Byron, on his mother's side, from the family of Gicht, 577 n.
—— of Glenbuchat (or Inverbrocket), Adam, 390, 392–3, 802.
—— of Grandum, Thomas, 486.
—— of Haddo, Harry, 119.
—— of Kincragye, Patrick, commissions of fire and sword against Cameron of Lochiel to, 185–6, 189–1.
—— of Knokaspik, James, 76, 500.
—— of Lentusche, sheriff-depute of Aberdeen, 641.
—— of Lesmoir, James (younger), commissions of fire and sword against Cameron of Lochiel to, 76, 185–6, 189–91.
—— of Lochinvar, Sir Robert, 77, 213; feud with Kennedy of Bargany, 394, 549, 551, 622–3, 786.
—— of Mylnetoun of Kellie, James, son of Gordon of Tulliett, 794.
—— of Newton, John, papist, warded in Aberdeen for non-conformity, xcviii, 63–5, 65, 811–12, 107–8, 123.
—— of Overhall, Mr. Thomas, 576.
—— of Pitlurg, John, 413–14.
—— of Strathdowne, present spouse of the Countess-Dowager of Errol, 75.
—— younger of Strathdowne, Alexander, petitions to be absolved from obligation to produce certain criminals, 131; commissions of fire and sword against Cameron of Lochiel to, 185–6, 189–91; actions against, for assault, 581–2, 688.
—— of Tullichowdie, John, commissions of fire and sword against Cameron of Lochiel to, 185–6, 189–91.
—— of Tulliett, John, and John and James, his sons, 796.
—— of Tulligreig, John, 76.
—— of Ugston, John, 574.
—— of Westhall, William, 583.
—— George, Lord, eldest son of the Marquis of Huntly, and brother-in-law to the Earl of Moray, called also the Earl of Enzie, x, xv, xxxiv, xlviii, lvi; King's letter concerning a Highland prisoner taken by, 816; 141, 152, 180; commissions of fire and sword to against Cameron of Lochiel, 185–6, 189–91 235, 250, 271, 273; against Sir James MacDonald, 347; admitted of the Council, and takes the oaths, 440 and 440 n.; commission to, to take order with the illegal wearing and use of fire-arms in the northern shires, 445–6; commissions to, against MacRannald of Gargavach, 405, 488, 489, 513, 577, 707, 738, 740, 741, 767, 768, 769, 840, 819; against MacLean of Duart, 573, 591; holds justice courts in Badenoch and Lochaber, 660; signs for Council, 440, 445, 446; present in Council, 440, 441, 445 446^2, 529, 531^2, 533, 534, 538, 561, 565, 566.
—— Dame ——, spouse of the Earl of Caithness, 611.
—— Dame Elizabeth, Lady Torthorwald, 614. *See* Tothorwald.
Gorme (Donald Gorme) in Islay, 733. *See* Macdonalds of Islay.
—— (Donald Gorme), of Sleat. *See* Macdonalds of Sleat.
Gosford, the laird of, justice of the peace for Haddington, 833.
Gourley, John, at Edinburgh, prosecuted for killing lambs, 843.
—— William, 260.
—— of Kincraig, Thomas, 26–7.
—— of Roulwood, John, 83, 91.
Govan of Cardrono, John, justice of the peace for Perthshire, 73, 472–3.
Gow, Duncan, at Drumnacarne, fined £200 for resetting the Clan Gregor, 148.
—— William, in Rothmune, at the horn for reset of the Clan Gregor, 71.
Gowan, George, servant of the Earl of Caithness, 826.
—— George, in Latherroune Feuill, 826.
—— (Gowne) John, 212.
Gowrie Conspiracy in 1600, xci–ii; references to the, 297 n., 309, 558, 643 n.; the anniversary of the (August 5th, 1616), and of the King's "happy delivery" appointed to be kept with public and solemn thanksgiving to God, 653.
Gracie, Bessie, spouse of William Turner, 343.
Graham, Alexander, merchant burgess of Edinburgh, 87.
—— Alexander, 234.
—— Alexander, in Craiguchtie, fined for resetting the Clan Gregor, 102.
—— Allaster, in Blairstanemoir, fined for the same, 103.

Graham, Andro, in Drumboy, find for the same, 103.
—— David, in Wamfray Gait, 391.
—— David, the late, 539.
—— George, bishop of Dunblane, till August 1615, when he was translated to the bishopric of Orkney, xvi, xciii. *See* Dunblane and Orkney.
—— George, emissary of the Chancellor to Islay, xli, xlix.
—— George, 91.
—— George, in Bofreshlie, fined for resetting the Clan Gregor, 102.
—— George, brother to the Earl of Menteith, 160, 163.
—— George, 460.
—— Gilbert, in Glasshill, fined for resetting the Clan Gregor, 103.
—— Helen, daughter of the late Sir John Graham of Knokdoliane, action by, for liberation from her present guardianship and leave to choose her own curators, 353–4, 374.
—— James, in Leuchland, and David his son, 154.
—— John, in Blairvillochane, fined for resetting the Clan Gregor, 103.
—— John Dow, in Gartnormock, fined for the same, 103.
—— John, in Ynach, fined for the same, 103.
—— elder, John, in Callander, fined 10 merks for the same, 229.
—— John, brother of the late David Graham, 539.
—— Margaret, in Kailrigis, 391.
—— Marion, relict of Johnstone of Lockerbie, 469.
—— Patrick, in Carrachie, fined for resetting the Clan Gregor, 102.
—— Robert, in Darnholmshaw, 391.
—— Robert, in Howgill, 391.
—— Robert, in Leverhay, 391.
—— Robert, in Dernschaw, 392.
—— Robert, servitor to James Douglas in Lochens, 447.
—— Robert, servitor to Johnstoun of Lochhouse, 546.
—— Robert, in the Canongate, 597.
—— "callit of Medop," Symon, 116, 117.
—— Simon, 124.
—— Thomas, in Over Creans, fined for resetting the Clan Gregor, 102.
—— William (the late), servant of Scot of Tushielaw, 140.
—— William, son of Graham of Claverhouse, licensed to travel, 393.
—— Mr. William, appears as procurator, 613.
Graham, of Balgowne, John, justice of the peace for Perthshire, 168.
—— of Bochopill (or Boquhapple), Thomas, lxxxix; action against, by the laird of Merchiston, 41; in a crown suit as one of the landlords of Macgregor lands, 114, 115, 133.
—— of Braco, Sir William, justice of the peace for Perthshire, 168.
—— of Claverhouse, Sir William, licence to, to go abroad for five years, 87, 393; justice of the peace, 668.
—— of Drym *or* Drenie, George, 83, 496, 514.
—— of Gartmore, Robert, justice of the peace for Perthshire, 168.
—— of Glenmorestoun, John, 71, 121.
—— of Inchebrakie, George, justice of the peace for Perthshire, 168, 353, 439–40.
—— of Innerourie, John, 812.
—— of Killerne, John, 353; Sheriff of Dumbartonshire, 382, 389; justice of the peace for Dumbarton, 833.
—— of Knokdoliane, Sir John, deceased, father of Helen Graham, 353, 374.
—— of Leuchland, James (late), father of the late David Graham, 539.
—— of Lidmore, George, 70.
—— of Morphie, Sir Robert, justice of the peace, 296; near kinsman of the late David Graham, 539.
—— of Rothiemurchus, Patrick, 93; and his eldest son John, 557.
—— of Wester Elcheis, Lauchlane, 796, 797.
—— of Westhall, David, 613.
Grainger, Mr. John, bailie, burgess of Arbroath, 345.
Graitnay (Gretna), the laird of, justice of the peace for Dumfries, 833.
Grant, burgess of Perth, deceased, 231.
—— and Fishie, against Innes and her spouse, 651.
—— Alexander, in Cambie, 424.
—— Allan Roy, fined for resetting the Clan Gregor, 121.
—— Allaster, in Cromdell, fined for the same, 53.
—— Allaster Roy, in Sogillie, fined for the same, 121.
—— Allaster, in Wester Innerurie, 404.
—— Allaster, in Gnawleck, 654.
—— Andro, bailie of Perth, 65, 66.
—— Archibald, brother of Grant of Glenmorestoun, at the horn for reset of the Clan Gregor, 71.
—— Archibald, brother to John Grant in

Glenmorestoun, tenant and servant of the laird of Grant, 139.
Grant, David and William, merchant burgesses of Perth, 442.
—— Duncan, younger of Rothiemurchus, fined for resetting the Clan Gregor, 53.
—— Duncan, in Lettoch, at the horn for the same, 71, 139.
—— Duncan, natural son of Grant of Freuchie, 812.
—— Elspet, wife of Gordon of Grandum, 486.
—— George, 371.
—— George, servitor to Fraser of Muckalls, 688.
—— Gillespie, brother to the laird of Glenmoristoun, fined for resetting the Clan Gregor, 121.
—— James, in Pitcherrell, fined for the same, 121.
—— James, in Forlettir, fined 200 merks for the same, 143.
—— James, sometime in Forlettir, now in Delnabo, 309, 404.
—— James and Robert, brothers, in Delnabo, 404.
—— James, in Daltulzie, 616–17.
—— James, in Delnabo, 404, 654.
—— James, brother to the goodman of Cromdell, 812.
—— John, in the town of Abernethy, fined, 53.
—— John, son of Grant of Rothiemurchus, 93, 557.
—— John, son to Tullochgorm, fined, 120.
—— John, in Glenmoristoun, tenant and servant of the laird of Grant, 139.
—— John, son to Peter Grant, *alias* MacJokie, in Tullich, fined for resetting the Clan Gregor, 143.
—— John, 142, 212, 213.
—— John, sometime in Innerurie, now in Auchinvaith, 309.
—— John, in Campdell, 309.
—— John, servant in Tomachlagane, 404.
—— John son of Grant in Cambie, 424.
—— John, 592.
—— John, in Cromdell, 812.
—— Lauchlane, 321.
—— Neill, bailie to the laird of Grant, fined for resetting the Clan Gregor, 53.
—— Oliver, son of the late —— Grant at Perth, in prison for riots and breaking ward, 231.
—— Patrick, in Tullochgorme, fined for resetting the Clan Gregor, 53.
—— Mr. Patrick, sometime minister at Cromdell, fined for the same, 53.
Grant, Patrick, son of the laird of Braye, fined for the same, 121.
—— Patrick, 123.
—— Patrick, son of MacAllaster, 654.
—— Peter, *alias* MacJokie, in Tulloch, 143.
—— Robert, brother of the laird of Grant, fined for resetting the Clan Gregor, 53, 821.
Grant, Robert, brother of Grant of Carron, 616–17, 639.
—— Sone, in Cur, at horn for reset of the Clan Gregor, 71; tenant and servant of the laird of Grant, 139.
—— Thomas, in Lyne, 616–17, 639.
—— William, in Downem, 70.
—— William, son of Grant of Lidmore, 70.
—— William, 90.
—— of Ballindalloch, Patrick, 70, 90; fined £5000 for resetting the Clan Gregor, 143; warrant to cite, 374; justice of the peace, 619, 688.
—— younger of Ballindalloch, John, 581–2, 688.
—— of Braye, 121.
—— of Cardaillis, Thomas, 616–17, 639.
—— of Carron, Patrick, fined £1000 for resetting the Clan Gregor, 143, 581, 616–17, 639.
—— of Cromdell, called the goodman of Cromdell, 812.
—— of Dalry, James, petitions to be absolved from his obligation to produce certain criminals, 131.
—— of Edinvillie, Mr. James, against certain highlanders for stealing, "ane brown turse horse," 488.
—— of Freuchie, called the Laird of Grant, John, xx, xxii, xxiii, xxvi, xxviii, xlv; is appointed to meet the laird of Lawers in Saint Johnstone, to confer with him in the business of pursuing the Clan Gregor, 810; is offered rewards and inducements, by Archibald Campbell in the King's name, if he slay or take Allaster MacAllaster, 810; his bailie is fined for resetting Macgregors, 53; is in a commission to apprehend highlanders accused of fire-raising, 60; action against, by the Earl of Argyle, 71, 138–9; is one of the landlords of Magregor lands, 133; fined 40,000 merks for resetting the Clan Gregor, 143; apprehension by, of Allaster MacAllaster (*see* Royal Letters to the Council), 816, 152; is charged by the Council, together with his wife and brother, to deliver up Allaster MacAllaster, 152; the death of Allaster Mac-

Allaster in the laird of Grant's house, 820 ; the confession of the laird of Grant, in September 1613, of resettings in 1610, 820 ; verifications against, 820–21 ; is cautioner for the laird of Mackintosh, 731; exhibits five resetters of the Clan Gregor who have failed to pay their fines, 364 ; appointed a justice of the peace for Elgin, Forres, and Nairn, 619; protest in favour of, granted by the Council, 654.
Grassich, David, in Capeathe, 404.
Gray, Abraham, appears as procurator, 484.
—— Andro, bailie of Perth, 342.
—— David, "born of Scottis parentis in Prussia," 43, 192. *See* Stercovius.
—— Donald, in Casiltoun, 794.
—— Ewphame, spouse of Ferguson, "violer," 485.
—— George, in Dundas, 407.
—— James, provost of Langforgound, 59.
—— James, servitor to William Forbes of Tolquhone, 119.
—— John, burgess of Aberdeen, 118.
—— John, in Hawick, 153.
—— John, 235.
—— John, in Easter Inglismadie, 511.
—— John, flesher, 527.
—— John, master of the Ketchepoole in Aberdeen, 795.
—— Patrick, burgess of the Canongate, 478, 489.
—— Patrick and William, porters, servitors to Lord Gray, 831.
—— Robert, in Nether Collane, and Marjorie Brown, his spouse, 39.
—— Robert, in Drumfin, fined 125 merks for resetting the Clan Gregor, 229.
—— William, indweller in Leith, 452–3, 454, 470.
—— or Craig of Drymme, Robert, 111, 123.
—— of Craneslie, Robert, 48, 390.
—— of Mekle Catpare, David, and David Gray, his eldest son, 788.
—— of Pitscaudlie, William, 25–6.
—— Patrick, Lord, justice of the peace for Perthshire, 168; takes part in repair of roads in Perthshire, 530.
—— Andro, Lord, his dwelling-house in Angus, 830; sheriff-principal of Forfar, 556; exhibits four gypsies to the Council, 579; justice of the peace for Angus, 668.
Graycrook (Craigcrook), the goodman of, justice of the peace for Edinburgh, 833.
Grayloch, Malcolm, in Logyrait, 508.
Greeks, two Christian, who have suffered from Turkish oppression and have come to Britain to solicit subscriptions towards the ransom of their relatives now in slavery, appeal by the Council on behalf of, 465.
Green, John, servitor to Robert Dempster, 414.
—— James, porter, 826.
Greenwich, royal letters, &c., dated at, 258, 334, 336 n., 363, 541, 813–14, 827.
Greg, Harry, 91.
—— Harry, 552, 560, 813.
Gregor, Clan of, account of the continued persecution of the, through the period included in this volume, xvii–xxviii ; condition of the Clan in March 1613, as stated by the Earl of Argyle in conference with the King, and contained in a letter of the King to the Council, 807 ; a special committee of Council appointed for the business of rating the fines to be imposed upon resetters of, 31–2, 51 ; the laird of Lundy has the charge of the service against, in the absence of the Earl of Argyle, 43 ; memorial of matters agreed upon between the King and Archibald Campbell, regarding the proceedings against, 810 ; exoneration by royal letter, to Campbell of Glenfalloch, and his brother John, for all acts done by them in the service against, 47–8 ; enumeration of persons found guilty of reset of, by the Commissioners appointed for investigation of that crime, with specification of the amount of fine to be exacted in each case, *see* Fines ; punishment of resetters for non-paymant of fines, 71 ; a report made by the Earl of Argyle, anent the Clan, 85 ; King's letter to the Council in favour of the Earl of Argyle's dealing with the, 813 ; acts concerning the sustenance of the children of the Clan, 87, 89, 100, 170, 171, 180, 820 ; meetings of the Clan prohibited, 89 ; the laird of Buchanan binds himself to exhibit the two sons of Malcolm MacCoull MacGregor, 89 ; the son of John Dow MacGregor sent to the Tolbooth of Edinburgh, 95 ; voluntary offer of the Earl of Argyle to pay to the King 22½ per cent. of the fines imposed on resetters of the, 96 ; Commissioners appointed for uplifting the fines imposed upon resetters of the Clan, 108–9 ; charge for the exhibition of John Gromach MacGregor, 112, 182–3 ; commission to Donald Gorme of Sleat to try two MacGregors, 112; Crown action against the Earl of Argyle and twenty other landlords of the Clan, for recovery of £60 for every merkland of the MacGregor

lands possessed by them at Whitsunday 1610, 113-14, 133-4; the service against the, asserted to be "at an end," 114; process against the resetters of, 124; book containing "the haill names of Clan Gregor" of whom the Earl of Argyll was ordained to give an account, 820; death of Allaster MacAllaster MacGregor, in the Laird of Grant's house, 820; the Earl of Enzie commanded to exhibit Duncan MacEanduy, 180; the Laird of Grant (*see* Grant of Freuchie) confesses to have resetted MacGregors, and is fined 40,000 merks, 820; verifications against the laird of Grant by witnesses, 820–21; exhibition of the bairns of Patrich Aldoch MacGregor, 169; commission of justiciary to Mr. James Kirk, against the resetters of the Clan within Argyle and Tarbet, 171; MacDougall of Dunolly is accused of resetting the, 176–7; a number of the Clan and their associates accused of depredations and slaughters by the laird of Luss and his people, 177–9; exhibition of Robert Abroche MacGregor, 180; the landlords relieved by act of Council from all payment of the contribution for the maintenance of the bairns of the Clan Gregor, 180; exhibition of John Gromach MacGregor, 182–3; Robert Abroche MacGregor renounces his name and takes the name of Ramsay, 246; missives to summon the landlords of the Clan before the Council, 259, 301; commission against resetters of the Clan, 263–4; resetters of the Clan warded in the Tolbooth of Edinburgh, 364; Duncan MacGregor of Rora changes his name and takes that of Duncan Gordon, 579; letter of the King ordering the imprisonment of Allaster MacGregor, 816.

Greig, Andro, "glasinwricht" in Peebles, charged with murder, 590.

—— John, burgess of Kinghorn, 510.

—— John and David, sons of Greig of the Hauch of Fongorth, 524, 526.

Greir, Fergus, in Duncow, 447.

—— Robert, 259.

—— Robert, in Barndarrach, 402.

—— (also Grierson), of Barjarge, Thomas, one of the sheriff-deputes of Dumfries, 443, 680.

—— of Drumlosse, 478.

—— of Lag, Sir William, justice of the peace for Dumfriesshire, 73, 292; sheriff of Dumfriesshire, 382–3, 402, 403.

Greirson (Grierson), "callit of Dalgounour," Thomas, and his son John, 140, 142.

Gressich, Patrick, cordinair, fined 10 merks for resetting the Clan Gregor, 226.

—— Thomas, in Innerthomtingmore, 178.

Grieff *or* Greiff, James, tenant of Tifty in the lands of Fyvie, 421.

—— Thomas, at St. Andrews, 621.

Grymston, William, at Carlisle Castle, letter from, to Lord Cranston and to the other Commissioners for the Middle Shires, 812–13.

Grieve, Thomas, wheelwright in St. Andrews, and his servant, prosecuted for refusing to do the King's repairs in Holyrood house, 607.

Guard, the King's, certain of the, sent to Dumbarton to bring the Earl of Orkney to Edinburgh, 200–1; act ordaining the magistrates of burghs to concur with the, by taking arrested rebels off their hands and committing them to their tolbooths, 580, 592.

—— Captain of. *See* Ker of Ancrum, Sir Robert, *also* Ker of Oxenhame, Sir Andrew.

—— Lieutenants of. *See* Hepburn of Aulderstoun, *also* Ker of Grange, William.

Giudlatt *or* Guidlet, James, a gentleman of the Guard, 50, 76, 91, 470.

—— James, portioner of Strabrok, 111.

—— James, appears as procurator, 674.

Guilletie, Thomas, 591.

Gunpowder, licence to make, 284.

Guthrie, Hercules, 260.

—— James, servitor to Lord Forbes, 826.

—— Robert, 261.

—— Robert, servitor to Mr. Alexander Gibson of Durie, 431.

—— of Auchmithie, Patrick, 140, 142.

—— of that Ilk, justice of the peace, 668.

—— of Kincadrum, justice of the peace, 668.

Gypsies, 132; in Angus, now in the tolbooth of Dundee, to be brought to trial, 556, 559, 579, 620; released from the Thieves' Hole of Edinburgh, on condition of perpetual banishment, 655; act against, and their resetters, 655; proclamation on renewing the proceedings for the extermination of the, 655–7.

Hachell, Robert, at Dumfries, 649.

Hackett (Halkett), of Pitfirrane, justice of the peace for Fife and Kinross, 156.

Haddan, James, 352.

—— Mr. Joseph, 142.

—— (Haddon), porter of the Castle of Stirling, 815.

Haddington (burgh), charge to the, in the matter of Stercovius, 192–3; market-cross

of, 255 ; provost of, 549 ; magistrates of, 205, 637, 651 ; ward in tolbooth of, 241, 340, 637 ; school of, 423, 432 ; commissioners of the burgh, 193 ; the Haddington Manuscript, 291 n.
Haddington (shire), sheriffship of, the King revises the office of, 20 ; Seyton of Kylesmure discharged, 20–1, 30; Douglas of Spott appointed in his place, 21, 28, 30–1, 43, 162, 215; Cockburn of Clerkington appointed and takes the oaths, 255, 256 ; the laird of Hirdmestoun appointed interim sheriff 389 ; commissions of the peace for, 266, 379–80, 647, 833.
Haddington, John Ramsay, Viscount, now Lord of Melrose, 66, 321 ; commissions of the peace to, 266, 379, 647.
Hagbut, case of assualt with a, 106, 107. *See* Weapons.
Haig of Bemersyde, 112, 124 ; allowance to, during his ward in Edinburgh, 544.
Haimes in England, Royal warrant dated at, 594.
Hair, James, in Torrischent, cautioner, 145.
—— James, seedsman in Edinburgh, 310, 331.
—— John, at Edinburgh, father of James Hair, cautioner, 310.
Hairstanes, Mr. Matthew, servitor to the Queen, 585, 592.
Haitlie, Archie, servant to Andrew Turnbull, in Bonchester, 128.
Halcro, Patrick, principal accomplice of Robert Stewart, lxiv, lxvi, lxxxv ; prisoner from Orkney, money allowed for his maintenance in prison, 287 ; liberated from ward on caution, 318, 318 n.
Halden (Haldane), George, indweller in Edinburgh, 176.
—— James, in Corstorphine, 345.
—— of Glennegis, James, justice of the peace for Perthshire, 168, 329, 472.
Haliday (Halyday), George, burgess of Selkirk, 421.
—— Mr. John, advocate, 25, 789.
—— John, in Darnholmshaw, 391.
—— Thomas, in Kirkwood, 668.
—— William, at Kinghorn, 545.
Haliburton, Mr. George, advocate, 70, 90.
—— Henry, in Quhitrig, 123.
—— James, son of Haliburton of Pitcur, licensed to travel, 393.
—— John, 374.
—— Walter, in Quhitrig, 107.
—— William, in Quhitrig, 49, 106, 107.
—— of Kelour, Mr. George, justice of the peace, 668.
Haliburton of Murrouslaws, John, arbiter, 468.
—— of Pitcur, James, 8, 19 ; justice of the peace for Perthshire, 168, 345, 393, 668.
Halkett (Halkheid), John, portioner of Gaitmilk, 110, 123.
—— Patrick, brother to Sir Robert Halkheid of Pitfirrene, and husband of Issobell Boswell, 40.
—— fiar of Gaitmilk, James, 110.
—— of Lumfinnance, Patrick, 629.
—— of Pitfirrene, Sir Robert, 40 ; commission of the peace to, 265, 277, 475.
Halkiston, James, in Over Denmure, 433.
Hall, James, brother of John Hall in Overhartsyde, 487.
—— John, 273.
—— Mr. John, minister at Edinburgh, appointed one of the Commissioners of the new Court of High Commission, 437 n.
—— John, in Overhartsyde, 487.
—— John, at Auchtirdirran, 840.
—— Ralph, in Heppule, 414.
—— Thomas, flesher, 527.
Haltoun, the laird of, justice of the peace for Edinburgh, 833.
Hamilton (burgh), bailies of, crave an impost for repairing the bridge of Bothwell, 533, 552.
Hamilton ——, action against, 261.
—— Captain of Arran, 743, 744.
—— Mr. Alexander, cited, 277.
—— Alexander, brother to Hamilton of Coitquott, 282.
—— Alexander, tailor in Edinburgh, 467.
—— Archibald, notary public, 355.
—— Archibald, takes the oath of allegiance, 380.
—— Arthur, 272.
—— Arthur, deacon of the Wrights in th Canongate, 456.
—— Sir Claud, justice of the peace, 211, 226.
—— David, late keeper of the Tolbooth of Edinburgh, and servitor to Lord Binning, 409, 421.
—— David, a gentleman of the Guard, 584.
—— Gavin, previous bishop of Galloway, 44 n.
—— George, 124.
—— Sir George, petitions to go to Islay, 275.
—— George, bailie of Anstruther, 550, 553.
—— James, son of the parson of Torrens, 51.
—— James, 90.
—— James, brother of Alexander Hamilton of Quotquot, 113.

Hamilton, Mr. James, commissary of Lanark, 211, 260; justice of the peace, 266, 272, 180.
—— James, 260.
—— James, "one of the four ordinary macers of the Council and Session," 460, 470, 584.
—— James, burgess of Dumfries, 588.
—— James, in Tweedside, tenant of Hamilton of Goislington, 677–8, 687.
—— James, wright, 708.
—— Jean, spouse of Mr. Walter Bellenden (or Bannatyne), 479, 558, 591.
—— John, parson of Crawfurdjohnne, 180.
—— John, merchant burgess of Edinburgh, 216.
—— John, in Carmylie, 469.
—— John, merchant burgess of Edinburgh, 531.
—— John, 552.
—— Mr. John, farmer of Customs, bids for the new tack, 620.
—— John, 686.
—— Jonet, in Hamilton, relict of James Nasmyth, charged with witchcraft, 78–9.
—— Margaret, and her daughter Agnes Leslie, 586–7, 592.
—— Mark, brother of Hamilton of Quotquot, 430.
—— Mark, servitor to Lord Binning, 589, 592.
—— Mungo, cordiner (shoemaker) in Glasgow, 586.
—— Patrick, son of the parson of Torrens, 51.
—— Patrick, 260.
—— Mr. Patrick, brother to Thomas, Lord Binning, 282; Secretary-deputy at the English Court, sent by the King to intercept the Marquis of Huntly on his journey to London, 562 n.
—— Robert, parson of Torrens, 51.
—— Robert, appears as procurator, 524.
—— Robert, farmer of Customs, bids for the new tack, 620.
—— Thomas, eldest son of Lord Binning, licensed to travel, 379.
—— William, carter at Montrose, murdered, 242.
—— William, servitor to Lord Herries, 396.
—— William, servant, 396.
—— William, brother of Hamilton of Quotquot, 430.
—— Mr. William, minister at Mouswall, 588, 592, 668, 687.
—— of Beirfurd, Archibald, 433.
—— of Binnie and Byres, Sir Thomas, afterward Lord Binning, Secretary of State. *See* Binning, Lord.
Hamilton of Binning, Alexander, concerned in the repairs of roads in Linlithgowshire, 571.
—— of Blackburn, George, 94.
—— fiar of Blair, John, 49.
—— of Byres, Mr. Thomas. *See* Binning, Lord.
—— of Cawder, Mr. James, 51.
—— of Dalserff, William, 138.
—— of Gilkerscleuch, John, 51.
—— of Goslintoun, Sir Robert, justice of the peace, 211, 260, 266, 677–8, 688.
—— of Grange, Sir John, 277; sheriff of Linlithgow, 382, 389; commissions of the peace to, 833, 401; bailie to the Earl of Linlithgow, 571.
—— of Heleis, Arthur, 51.
—— of Innerwick, Sir Alexander, commission to, 4, 205; commissions of the peace to, 266, 379, 647; one of the commissioners charged with repair of roads in Berwickshire, 543.
—— of Kinbrakmouth, James, 38.
—— of Kinglass, Mr. Alexander, justice of the peace, 401, 571, 833.
—— of Letterick, Sir John, sheriff-depute of Lanark, 51, 277, 478; commissions of the peace to, 211, 266.
—— of Lekprevik, justice of the peace, 211, 266.
—— of Mylneburn, Robert, 51.
—— of Peill, Claud, 433.
—— of Preston, justice of the peace, 266, 379, 549; empowered to levy a toll on goods passing the High Street of Preston, 646.
—— of Prestonpans, justice of the peace, 647.
—— of Priestfield, Sir Thomas, father of Sir Andrew Hamilton, of Reidhouse, and of Sir Thomas Hamilton (Lord Binning), 594 n.
—— of Quotquot, Alexander, 113.
—— of Quotquot, Jonas, 153, 282, 292, 294, 430.
—— of Reidhouse, Sir Andrew, brother of Lord Binning, xii, xvi; admitted a member of the Council and takes the oaths of office, 594, 594 n.; signs commissions, to the Earl of Tullibardine, 597; for trying cases of adultery in the north, 619; is present in Council, 592, 595, 597, 605, 623, 627, 638, 639, 655[2], 658[2], 659[2], 660, 667, 674, 677[2], 681, 686.
—— of Roploche, Gavin, justice of the peace, 138, 211, 266, 354, 357, 374.
—— of St. Johnschapell, Andro, arbiter, 468.
—— of Torrence, Robert, justice of the peace, 211, 266, 478.

Hamilton of Udstoun, John, 51.
—— of the West Port of Linlithgow, James, 221.
—— James Hamilton, 2nd Marquis of, member of the Privy Council, v, xiv, xlviii; sheriff-principal of Lanark, 51; is on the commission to consider and report on the Marquis of Huntly's overture to coin copper, 57; feud with Lord Ogilvie and his son, 246; is assessor to the magistrates of Glasgow in the trial of the Jesuit Ogilvie, 305 n.; is cited to Council to advise as to the expediency of allowing the exportation of coal, 277; commission to, 345; commission to, for guarding Arran against the rebel Macdonalds, 739, 743–4; the Council commits the ward and marriage of the Earl of Cassillis to, and letter sent by the Council to the King to explain their reasons for so doing, 406; reports as to repairs of certain roads, 542; commissions of the peace to, 211, 266, 401, 668; signs for Council, 42, 44, 59, 60, 68, 72, 85, 90, 180, 204, 205, 242, 245, 265, 270, 271, 291, 292, 332, 542, 555, 636, 637; present in Council, 29, 37, 44, 48, 55, 58, 63, 65, 70[2], 81,170, 171, 172, 174, 175, 180, 182, 183, 184, 197, 198, 203, 204, 205, 206, 242, 243, 246[2], 267, 288, 292[2] 298, 331, 340, 346, 348, 362, 363, 431, 540, 541, 553, 555, 561, 565, 605, 613, 619, 623, 627, 638, 639, 660, 762.
Hammermen of Stirling and their deacon. *See* Crafts.
Harbarton, Archibald, burgess of Glasgow, 793.
Harbours, ports and piers. *See* Irvine, Kirkcudbright, Troon.
Harden, the Laird of, 470.
Hare, John, at Paisley, servitor to John Alexander, 617, 618.
Harlawbanks, James, in Edinburgh, 492.
Harper, James, merchant burgess of Edinburgh, 360, 375, 448.
Harry, John, in Laggislaw, murder of, 369.
Hart, Andro, the Edinburgh bookseller and printer, xc–xci; question of privilege between him and the other booksellers of Edinburgh as to the importation of foreign books, 252; patent to, 260, 360; royal letter to the Council in favour of, 827–8.
—— David, writer, at the horn for assault, 41.
—— David, notary, 355.
—— Mr. John, bailie of the Canongate, 72, 195.
Hart (Hairt) Marion, in Edinburgh, widow of the late Thomas Ross, sued for jailor fees by Andro Whyte, 513–14.
Hart, Thomas, in Leith, charged with murder, 200.
—— (Hairt) of Preston, Sir William, principal justice-depute; trial of Mr. Robert Philip, 126, 815; trial of the Erskines for poisoning, 170, 172, 199, 315, 321; mentioned by the King as "our justice," 271; trial of the men from Orkney, 297; act to appoint assessors to, in the process against the Earl of Orkney, 299 and n., 300; trial of Ker and Pringle for murder, 332; trial of John Henderson for setting fire to a coal-heugh, 332–3; trial of Jackson for slaughter, 352; has a dispute with MacGill of Cranstoun-Riddell, 398, 401, 405, 406; commission of the peace to, for Edinburghshire, 406; commission of justiciary for the north to, 591.
Harthill, the goodman of, Council's letter to the Marquis of Huntly anent, 294.
Harvey. *See* Hervie.
Hatmakers. *See* Crafts.
Hattoun, John, 19.
Hawick, burgh of, commission to the Lord of Buccleuch for preservation of the peace at, 153; proclamation at the market cross of, 199.
Hay, ——, "baillie Arroll," justice of the peace for Perthshire, 168.
—— Adam, in Plaidis, 538, 542.
—— Adam and Alexander, 552.
—— Alexander, cordiner in Kirkcaldy, and his spouse, Christina Blyth, 512.
—— Andro, appears as procurator, 2.
—— David, 351.
—— Elspeth, daughter of Hay of Smithfield, 400, 402.
—— Elspeth, relict of Walter Scot in Essinsyde, 667.
—— Francis, son of Hay of Ardlethame, and relative of the Hays of Brunthill: story of the murder by, of a brother of the laird of Gicht, and of the subsequent mock-trial and murder of, at Aberdeen, by the Gordons of Gicht, 496–502, 555, 557 n., 604–5, 605 n.
—— Mr. George, parson of Turra, 279.
—— George, one of the sons of Hay of Brunthill, 76, 474, 475, 499, 500.
—— Gilbert, 687.
—— Sir James, formerly comptroller, reference to, 70.
—— John, burgess of Aberdeen, 76, 118.

Hay, Mr. John, clerk-depute of the burgh of Edinburgh, 194.
—— John, warded in the tolbooth of Dysart, 322.
——Mr. John, parson of Renfrew, appointed one of the Commissioners in the New Court of High Commission, 437 n.
—— John, in Aldarroch, 538.
—— Marioun, relict of John Clerk in Carveny, 410, 661.
—— Mr. Patrick, son of Hay of Brunthill, 76, 456, 474, 475, 499.
—— Patrick, 273.
—— Peter, actions against, 123.
—— Robert, procurator, 70.
—— Robert, 259.
—— Robert, indweller in the Canongate, 456, 470.
—— Robert, servitor of the King, proposed royal grant to, set aside by the Council at the instance of the Burghs, 604–41.
—— Mr. Theodore, parson at Peebles, appointed one of the Commissioners in the new Court of High Commission, 437 n.
—— Walter, procurator, 508, 655.
—— Walter, servitor to Mr. Robert Leirmonth, 523.
—— William, brother of the Earl of Errol, and son-in-law of Gordon of Gicht, 75–6, 91, 119, 160, 456, 474, 475, 499, 500, 501, 576, 585, 651, 814, 847.
—— Mr. William, commissary of Glasgow, 196; appointed a Commissioner in the New Court of High Commission, 437 n.
—— William, son of Hay of Brunthill, 456, 474, 495, 499, 595.
—— of Brunthill, Alexander, 76, 456, 474, 495, 499. *See* Feuds.
—— of Crimont Mogett, John, 674.
—— of Easter Kenneth, Mr. John, one of the clerks of session, 40; writer to the Privy Seal, 311.
—— of Kinnowdie, Mr. Alexander, justice of the peace for Elgin, Forres, and Nairn, 619.
—— of Kirkland, Peter, 7, 19, 94, 97; justice of the peace in Perthshire, 168.
—— of Leyis, Peter, servitor of the Earl of Errol, and witnesses the Earl's band, 165.
—— of Logie, Alexander, 511.
—— of Mayne, cautioner, and his brother William, 688.
—— of Meginch, Peter, cautioner for the Earl of Errol, 35–6, 164, 165.
—— of Netherclift, Sir George, knight, member of the Privy Council, x, xi, xii, xv, 160, 163; justice of the peace in Perthshire, 168; grant of a monopoly of whale-fishing to, 330; admitted of the Council and takes the oaths, in succession to Sir Alexander Hay, clerk of the register, deceased, 483, 483 n.; appoints Mr. John Skene to be his deputy, 556; appointed one of the Commissioners for the King's Rents, 676; signs for Council, 484; present in Council, 483^{2}, 485^{2}, 488, 490, 494.
Hay of Newton and Whitburgh, Sir Alexander, member of Privy Council and Clerk of Register, since July 1612, v vi, viii, x, xiii, xv, xx; mentioned in a royal missive, 22; appointed to examine Neill MacLeod and his son, 691; on the committee of Council to rate fines of resetters of the Gregor Clan, 32; on the commission to try the assay box of gold and silver, 37, 74; on the commission anent the copper coinage, 57; on the commission to examine Robert Erskine under torture, 172; on a committee of Council "anent the yarn," 281; appointed to examine the rebels of Orkney, 280; on commissions of justiciary, against Ogilvie, 285, against Moffat, 336–7; certain papers delivered to, to be kept in the King's Register House in the Castle, 375; royal letter to, intimating the appointment of the Earl of Argyle, 745; on a committee of Council in the business of re-organising the postal service, 839; subscribes a Royal Ordinance for the union of the two Courts of High Commission, 435 n.; is appointed a Commissioner in the New Court of High Commission, 437 n.; his last appearance in the Council on February 27, 1616, his death, and his successor (*see* Hay, Sir George), 483 n.; the Council confirms a gift recently made by the deceased, to Alexander Duff, of a Clerkship of Exchequer, 466; signs for Council, 4, 28, 51, 59, 107, 161, 162, 204, 206, 209, 210, 211, 219, 220, 223, 242, 246, 275, 283, 327, 329, 335, 340, 374, 393, 405, 406, 439, 757, 811, 817, 824, 825, 831; present in Council, 1^{2}, 5, 11, 18, 20, 23, 29, 37, 44, 48, 51, 55, 58, 61, 62, 63, 65, 68, 70^{2}, 73^{2}, 75, 77, 78, 81, 85^{2}, 87, 89, 91, 93, 99, 100, 101, 105^{2}, 107, 108, 109, 112, 124, 127, 132, 133, 135, 144, 148, 153^{2}, 157, 159, 163, 164, 165, 166, 167, 168, 169, 170^{2}, 171, 172, 174, 175, 183, 184, 197, 198, 199, 200, 201, 203^{2} 204, 205, 206^{2}, 207^{2}, 209^{2}, 210^{2}, 213, 215, 218, 220, 224, 232, 236, 240^{3}, 241, 242^{3}, 243^{2}, 246^{2}, 247, 249^{2}, 251, 252, 254^{3},

255, 256, 261[2], 262, 267, 273, 276, 280, 281, 283, 284[3], 286, 287[3], 288, 292[2], 294[2], 295[2], 297, 298[5], 299[2], 300[2], 301[2], 302, 303[2], 304[2], 308[2], 309, 316, 318, 319, 323, 327, 329, 331, 332, 333, 336, 340[2], 342, 346, 348, 349, 350, 352, 354, 355, 357, 359, 360, 362, 363, 364, 370, 372[2], 376, 381[2], 383, 389, 394, 395, 399, 402, 403, 405, 406, 407[2], 408, 409, 412, 413, 414, 419, 420[2], 423, 425, 429, 430, 431, 436, 440[3], 441, 445, 446, 448, 449, 450, 464[2], 674, 677[2], 746, 757, 762.

Hay of Park, David, justice of the peace for Elgin, Forres and Nairn, 619.

——of Smithfield, John, justice of the peace in Peeblesshire, 72, 400.

—— of Winderlaw, William, 798.

—— of Yester, John, Lord, and his bailies of the Barony of Yester, 547.

Heich, George, sometime bailie in Dalkeith, 426, 433.

—— Thomas, in Craigincat, 67.

Hemp, impost on, granted to St. Andrews, 86.

Henderson, Alexander, in Over Denmure, 433.

—— Gavin, in Balgray, 661.

—— Issobell, "servand woman" to James Stevenson, accused of theft, 110, 124.

—— James Donald William, in Achnagald, Caithness, brother of Henderson in Achnagald, 491, 772.

—— John, 19.

—— John, in Edinburgh, father of Marion Henderson, 29.

—— Sir John, 235.

—— John, sometime clothier, now prisoner in the Tolbooth of Edinburgh, charged with setting fire to a coal-heugh, 332–3.

—— John, son of Henderson of Latoun, 450.

—— John, at Paisley, 617.

—— John, in Meikle Datoun, 668.

—— Marion, daughter of John Henderson in Edinburgh, warded in Jedburgh on suspicion of witchcraft, 29.

—— Robert, indweller in Edinburgh, 27.

—— Robert, smith, burgess of Stirling, 193, 194, 541.

—— Robert, deacon of the hammermen of Stirling, 541, 631, 632.

—— Mr. Thomas, advocate, and one of the Commissaries of Edinburgh, appears as procurator, 811; committed to ward in the Castle of Edinburgh for assault in the Commissary Chamber, 303; his house one of two in Edinburgh nominated by the Captain of Clanranald, at which his citations are to be delivered, 730; receives his yearly fee, as "advocate for the ministers," from the Commissioners of the Plott, 309; is appointed a Commissioner in the New Court of High Commission, 437 n.

Henderson, Thomas, at Pittenweem, 791.

—— William, at Irwing, usury case, 411.

—— William Donald William, in Achnagald in Caithness, 491, 772, 830.

—— of Fordell, Sir John, 529. *See* vol. IX. pp. 668, 669.

—— of Latoun, Andrew, xci–ii; feud with the Lord of Scone, 260, 828, 261, 297; account of his connection with the Gowrie Conspiracy, 297 n., 298, 299, 427, 427 n., 450, 452.

Henry, Prince (deceased), eldest son of King James; reference to a visit paid by him to Linlithgow, 521.

—— David, cutler in Stirling, 193, 194, 541.

—— David, deacon of the hammermen of Stirling, 8.

—— Donald, in Meikle Suddy, 794.

—— (Hendrie), John, in Linlithgow, and his sons William and Patrick, committed for assault, 644–5, 651.

—— Patrick, in Linlithgow, son of John Henry, 644–5, 651.

—— Robert, in Mugdok, 585.

—— William, in Linlithgow, son of John Henry, 644–5, 651.

Henryson, James, Castle of Stirling, imprisoned for refusal to pay a custom, 9, 10, 11.

—— Robert, prosecuted for killing lambs, 843.

—— William, in Bofrak, fined 50 merks for resetting the Clan Gregor, 151.

Hepburn, Mr. Edward, minister at Dunbar, appointed one of the Commissioners in the new Court of High Commission, 437 n.

—— Dame Elizabeth (Lady Pitfirrane), 272, 791.

—— George, 331.

—— Helen, relict of Hepburn of Elstanefurd, 425.

—— Dame Issobell (Lady Bass), 657, 659.

—— Patrick, 259.

—— Robert, 331.

—— of Aulderstoun, Sir Robert, lieutenant of the King's Guard, commissions to, 94, 209, 271, 404–5; quarrel with Mr. John Cockburn, 326–7, 329; bailie to Lord Binning, 351, 549; act in favour of, warranting the expeding of an old infeftment in his lands, 370, 375; one of the justices of the peace for Haddingtonshire, 266, 379, 647, 833.

Hepburn, "callit" of Elstanefurd, Andro, 326.
—— "callit" of Elstanefurd, George, 326.
—— of Elstanefurd, deceased, and his relict, Helen Hepburn, 425.
—— "callit" of Kirklandhill, John, servitor to Hepburn of Aulderstoun, 326, 329.
—— of Newmylnes, Patrick, 811.
—— of Smeaton, Mr. Patrick, justice of the peace in Haddingtonshire, 266, 379, 549, 647.
—— of Wauchton, Sir Patrick, 4, 255, 255–6, 260; justice of the peace in Haddingtonshire, 266, 379, 647.
Herald, wages of a, 708.
Hering, Jeane, spouse of James Forret, fiar of that Ilk, 83.
—— of Lethintie, Sir David, 87, 234, 522.
Heriot, David, goldsmith, burgess of Edinburgh (deceased), 547.
—— John, tailor, burgess of Edinburgh, 177, 547, 551, 553, 652.
—— John, bonnet-maker of the Canongate, 590, 614.
—— Patrick, 614.
—— Robert, in Ogstoun, brother of William Heriot, 427.
—— William, in Ogstoun, 427.
—— younger, of Trabroun, Robert, 100, 326, 329.
Herries (Hereis), Abram, murder of, 156–7, 163.
—— Archibald, 552.
—— John, in Glesteris, cautioner for Lord Herries, 18.
—— John, 552.
—— Sir David, 352.
—— Margaret, at Dumfries, spouse of Cuningham, 635.
—— of Crochmoir, John, cautioner for Lord Herries, 18.
—— of Lawstoun, Robert, cautioner for Lord Herries, 18; the Bishop of Brechin against, 26.
—— John Maxwell, Lord, 18, 19, 212, 396; commission to, to apprehend Douglas of Pinyerie, 579.
Herring, red herring, assize herring. *See* Fish.
Hervie, Harvey: Alexander, and his son Alexander, merchants burgesses of Edinburgh, 390, 484, 489.
—— Andro, son of Hervey of Elrik, 574, 655.
—— George, son of the same, 574, 655.
—— James, son of the same, 574, 582, 641, 655.
—— James, writer, appears as procurator, 660.
Hervie, Patrick, son of Harvey of Elrik, 574, 655.
—— of Elrik, Andro, elder, 574, 641, 655.
Hesson, John, in Ardinch, 794.
Heugh (coal-pit), case of mischievously flooding a, 464–5.
Hew, Mr. Samuel, 440–1.
Hewatt, Mr. Peter, minister of Edinburgh; is appointed to confer with the Earl of Errol upon matters of religion, 89; Commendator of Croceraguell, 155; prosecutes Florence MacDougall and her spouse for the recovery of a bell, 155; is one of the ministers who confer with Robert Stewart in the Laich Council-house after his sentence, 829; is appointed one of the Commissioners in the new Court of High Commission, 437 n.
Highlands and Isles: account of the western, during the period included in this volume, xxviii–lix; highland thieves and vagabonds at Inverness, 2; Rorie Macleod of Harris, afterwards styled Sir Rorie Macleod of Dunveggan, 3, 33, 100, 108, 489; certain Isles-men of Uist and Barra denounced for harbouring Neill Macleod and other fugitives from the Lewis, 3–4; quarrel of the MacNeills of Barra, 6–7, 42; act for the relief of the King's tenants in Islay from certain oppressions and illegal exactions by Sir Ronald MacSorley and others, 13–14, 19, 809; the Earl of Argyll is absent, and the service against the Clan Gregor is put in charge of his brother the Laird of Lundy, 43; enumeration of persons found guilty of reset of the Clan Gregor by the commissioners appointed for investigation of that crime in the shires of Perth and Inverness, with specification of the amount of fine to be exacted in each case, and order for the payment of the same, *see* Fines; cattle-stealing by highlanders, 59–60; act concerning the expenses of Lord Ochiltree in his expedition to the Isles in 1608, 68–70, 70 n.; a report made by the Earl of Argyll anent the Clan Gregor, 85; acts concerning the sustenance and distribution of the children of the Clan Gregor, 87, 89; charges to exhibit the sons of Patrick Aldoch, John Dow MacAllaster, John Dow MacGregor, and Malcolm MacCoull MacGregor, 89; meetings of more than four in number of the Clan Gregor prohibited by proclamation, 89; the Earl of Argyll against the Laird of Grant, as responsible for certain highlanders, tenants and servants of his,

who are at the horn for non-payment of their fines for reset of the Clan Gregor, 71, 138–9 ; the son of John Dow MacGregor sent to the Tolbooth of Edinburgh, 95 ; the Earl of Argyll makes a voluntary offer to the King of 22½ per cent. of the fines imposed on resetters of the Clan Gregor, 96 ; landlords of the Clan Gregor taxed for the maintenance of the bairns of the Clan, 100 ; Donald Macleod, son of the late Neill Macleod of the Lewis banished for life, 100–1 ; enumeration of persons in the Stewardry of Menteith fined for reset of the Clan Gregor with specification of the amount of the fine in each case, 101–5 ; commissioners appointed for uplifting the fines imposed upon resetters of the Clan Gregor and granting discharges for the same, 108–9 ; action against the Earl of Argyle and twenty other landlords of the Clan Gregor for the recovery of £60 for every merkland of the MacGregor lands possessed by them at Whitsunday 1620, said fines alleged to be due to the Crown by voluntary agreement to that effect—defenders assoilzied, 113–15 ; a further list of persons in Inverness-shire fined for reset of the Clan Gregor, 119–22 ; charge to the Earls of Argyle, Menteith, Linlithgow, Perth, Tullibardine, Moray, and other nobles and lairds, landlords of the Clan Gregor, to appear before the Council to hear what new mode of dealing with the Clan Gregor the King will be obliged to adopt in consequence of the refusal of the said landlords to abide by their offer of a certain contribution out of the MacGregor lands towards the King's expenses in suppressing the Clan, 133–4 ; dispute between the Earl of Moray and the MacIntoshes, 140–1, 152, 661, 361–2 ; enumeration of persons in the Sheriffdom of Elgin and Forres fined for resetting the Clan Gregor, with the amount of fine in each case, 142–4 ; missives from the King to the Council anent various Highland prisoners, 152 ; and from the Council to the Earl of Enzie for exhibition of Duncan MacEanduy, 152, 162 ; further enumeration of persons in Perthshire fined for reset of the Clan Gregor, with specification of the amount of the fine in each case, 148–152 ; fines imposed on the Tutor of Kintail and other MacKenzies, 162 ; Allan MacEanduy, 162, 183 ; commission to Mr. James Kirk to try the resetters of the Clan Gregor within Argyle and Tarbet, 171 ; information concerning stone houses and castles ("strengths") in the Isles, supplied by James Primrose to the Council, 817–821, 822 ; commission for the trial of two MacGregors in the custody of Donald Gorme of Sleat, 162 ; royal missives anent the landlords of the Clan Gregor, and letters accordingly directed to them, 162 ; a catalogue and roll of the whole of the bairns of the Clan Gregor to be made by the landlords and given in to the Council, 171 ; act relieving the landlords of all payment of the contribution in respect the burden of the bairns is laid upon them, 180 ; action by the Earl of Argyle against MacDougall of Dunolly for reset of the Clan Gregor, 176–7 ; Colquhoun of Luss and his kinspeople and tenants against the Earl of Argyle, as responsible for a number of MacGregors and their associates who have committed slaughters and depredations on pursuers, the Earl assoilzied, 177–9 ; exhibition of Robert Abroche MacGregor, 180 ; charge against the Laird of Grant for exhibition of his men, 180 ; act finding Gordon of Buckie answerable for the production of John MacGregor, 182–3 ; rebellion of Cameron of Lochiel, and commission of fire and sword to the Marquis of Huntly and the Earl of Enzie against him and his people, 184, 185–191, 250 ; order for the exhibition before the Council of the eldest son of Allan Cameron of Lochiel, 184–5 ; prosecution of John and Donald Calder, 201 ; trial of Highlanders at Inverness, 208–9 ; enumeration of persons in the shire of Dumbarton and stewartry of Strathearn fined for reset of the Clan Gregor, with specification of the fines, 224–9 ; MacLean of Duart, 232, 420, 573 ; the Earl of Caithness craves to be exonerated from the pursuit of Cameron of Lochiel, 235 ; Angus Oig MacDonald is charged to render up the house of Dunivaig, 242 ; act entitling the Earl of Enzie to the fines imposed on persons absent from the host and army for the pursuit of Cameron of Lochiel, on condition of a payment of a fifth part of the fines to the King's Treasurer Depute, 250 ; six Islesmen presented to the Council by Sir Rorie MacLeod of Dunveggan, 256 ; MacLeod is committed to ward in the Castle of Edinburgh for not exhibiting several other of the Islesmen, 256 ; the landlords of the Clan Gregor cited to appear, 259 ; ratification at Edinburgh by the Highland chiefs of their obligations by the Band of

Icolmkill, 698 ; band by the same Island chiefs for their future annual appearance before the Council, 699 ; declaration by them anent feuds and differences amongst themselves, 699 ; their bands for keeping the peace and for obedience in ecclesiastical matters, 699 ; domiciles in Edinburgh fixed for future citations of the said Island chiefs when wanted, 261, 699–700 ; commission to surprise the Castle of Dunivaig in Islay, 262 ; ordnance to be sent from the Castle of Edinburgh, 262 ; band by MacLeod of Harris for his diligence for the apprehension of rebel Islesmen, 715 ; dispensation to Lord Kintail and the Tutor of Kintail and other Mackenzies and their men from service against Cameron of Lochiel, and all other like services during the tenure of their commission for the reduction of the Lewis, 270–1; the flight of Sir James Macdonald from the Castle of Edinburgh, 267–8 n.; Donald Gorme of Sleat released from ward in Glasgow to assist the Bishop of the Isles in Islay, 267; the Castle of Dunivaig in Islay recaptured from the garrison of Bishop Knox by the Macdonalds, and commissions of fire and sword to Bishop Knox for its recovery, 267, 267–8 n.; treaty of Bishop Knox with the rebels at Dunivaig, 279–80 n.; message to the Council from Bishop Knox, with the conditions of surrender offered by the rebels, 715; licence for the uplifting of the taxation of Islay granted to Sir George Hamilton, 275; commission of lieutenancy in Islay to the laird of Cadell, 720–1, 279, 279–80 n., 280, 280 n., 281, 282, 295, 303, 308, 327; instructions to the laird of Caddell for his conduct in the exercise of his commission for the recovery of the Castle of Dunivaig, and the suppression of the insurrection in Islay, 716–17; the lord deputy of Ireland is requested to be diligent in despatching men and cannon from Ireland to co-operate with the laird of Caddell in Islay, 717–18; armed musters levied in Argyleshire, and other parts in the West of Scotland, for service in Islay, 718–20; charge to certain inhabitants of Islay to appear before the Council, 722; proclamation of pardon to certain of the rebels, 722–3; proclamation against resetting the Islay rebels, 723–4; proclamation of conditional pardon to Angus Oig Macdonald and others of the Islay rebels, 724; appointment of Archibald Campbell to be agent for all persons in the Highlands who desire to compound or offences, 724–5; band of Archibald Campbell, 725–6; a petard sent to Islay to be used for the blowing up of the gates of Dunivaig Castle, 726–7, 677; Band of MacLean of Duart, 727; of MacLeod of Harris, 727–8; of the Captain of Clanranald, 729–30; capture of the Castle of Dunivaig, 299 n.; commission to Mackenzie of Cogach for the custody of certain Highland prisoners pending their trial, 300–1; charge to the landlords of the Clan Gregor to compeir, 301; Norman MacLeod and Rorie MacNeill MacLeod liberated on their own obligation to go into foreign banishment, 302, 728; the Tutor of Kintail protests against being held responsible for their expenses in prison, 302, 728; proclamations against the rebels of Islay, 303, 728–9, 729; MacLeod of Harris and MacKenzie of Cogach promise to pursue the Islay rebels, 303; missive to Donald Gorme, MacLean, and the Captain of Clanranald, 303; proclamation against reset of the rebels who have escaped and fled from Islay into other parts of the Isles, 729; act anent the Captain of Clanrannald, 308; anent the rebels in Islay, 308; MacLeod of Harris cited to compeir, 318; Donald MacIan, Tutor of Ardnamurchan binds himself to compeir, 319; Gorme of Slait cited to compeir, 319; the Captain of the Clanranald licensed to go home under certain conditions, 320–1; acts forbidding intercommunication with traitors in Islay, 321; commissions to Mackenzie of Cogach and the six Island chieftains for pursuit of the fugitive Islay rebels, 731–3; charge to Campbell of Danna and others to appear and answer concerning the seizure of Dunivaig Castle, 733; prison allowances to highlanders in the Tolbooth of Edinburgh, 330–1; escape of Sir James Macdonald of Islay from the Castle of Edinburgh, on May 24, 1615, 330 n.; proclamations and commissions issued against him, 330, 332, 733–5; Campbell of Lundy refuses to undertake the charge of the action against the Macdonalds in his brother's absence, 736; promise by Campbell of Caddell of diligence in keeping the Island of Islay against Sir James Macdonald and his friends, 736 ; proclamation against Sir James Macdonald and his friends, with promises to any who take or slay them, 736–7; the Earl of Argyle absent from Scotland, 335; MacAngus of

Glengarry, 344; acts and directions for the pursuit of Sir James MacDonald, 345; army of 500 men to be levied for his pursuit, 346; headquarters of the said expedition to be at Lochaber; Campbell of Lundie charged with the expedition, 346; composition of the expedition, 346–7; promise to those composing the expedition, 347; the Earl of Enzie to co-operate in the service against Sir James MacDonald, 347; a son of the laird of Glengarry prisoner in the hands of the rebels, and two of the rebels in the laird of Lundy's hands, 347; account of the vessels that are available for the expedition, 347–8; the Council acquaints the King of the taking of the Castle of Dunivaig, and desires the King to send home the Earl of Argyle, 350; charges by the Council anent the business of the expedition of Islay to the lord deputy of Ireland, to the Western Burghs, to Campbell of Auchinleck, 350; proclamation for Argyle and Tarbet to take part in the pursuit of Sir James, 350; Angus Oig and his friends to be put to an assize, 357; the Shires of Ayr, Renfrew, Dumbarton, Bute, Argyle, Tarbet, and Inverness, commanded to be in readiness for the service in the Isles, 364, 389; letter of Council to the King on this subject, 364; certain resetters of the Clan Gregor committed to ward, 364; two letters of the King to the Council intimating the appointment of the Earl of Argyle to the general lieutenancy in the service against the Islay rebels, with instructions, 744–5, 745–6; a new commission to the laird of Auchinbrek against Sir James Macdonald, 380; full copy of the commission of lieutenancy granted to the Earl of Argyle for suppressing the rebellion in the Western Isles, 749–53, 381; the Western burghs and the expedition against the Isles, 389; letters of the King to the Council concerning the service of Islay, 389; instructions by the Council to the Earl of Argyle for the conduct of the service in the Western Isles, 746–8; commission to James Scott to proceed to Knapdale to count the musters of soldiers assembled there, and to report on the same, 748–9; the rebels of Islay to be kept out of Lochaber, 393; proclamation against reset of fugitives from the West Isles, 755; the rebellion in the Isles being substantially suppressed, there is a royal order to the special committee of Council appointed for that business to discharge the King's soldiers and to send back the King's ship, 756–7; Council's letter to the Earl of Argyle conveying to him the King's commands, 757; a number of highlanders prosecuted for the murder of two Stewarts, 404–5; pursuit of MacRanald, 405; MacIntosh of Dunauchtane prosecuted for the production of certain criminals said to be his men, 410; report by Archibald Campbell in the name of the Earl of Argyle, with a narrative of the Earl's proceedings in the Western Isles, together with certain questions by the Earl and the Council's answers thereto, 757–61; King's letter to Council expressing his approbation of the answers of the Council, 761–2; six Ilesmen brought in by Archibald Campbell, 414; the Captain of Clanranald, 430; the Earl of Argyle appears before the Council and presents his personal report of his proceedings in the expedition to the Western Isles, his account of the present condition of the rebels, &c., 435, 762–6; highlanders imprisoned in the Tolbooth of Edinburgh, 439; story of the reset, by MacAllaster of Largie, of Duncan MacDougall, alleged to have been a friend of Sir James Macdonald, 441–2, 766, 768; the Marquis of Huntly cited to advise the Council in the matter of Sir James MacDonald, 451, 767; commissions to the Marquis of Huntly and Lord Gordon against MacRanald of Gargavach and his son, 767, 767–8, 768, 769, 771, 840; three highlanders charged with horse-stealing, 488; commission to the Marquis of Huntly and Lord Gordon against MacRanald, 488, 489; the laird of Lundy, and his service in the Isles, 489; return of some of the rebels from Ireland to the Western Isles, Campbell of Lundy sent in pursuit, 769–71, 489; the barons and gentlemen of the Shire of Elgin and Forres exempted from service in Lochaber against MacRanald, 513, 514; patent to Archibald Primrose for the copper and lead mines in Islay, Mull, Skye, and Lewis, 525; Campbell of Lundy refuses to serve in the action against the Western Isles in the Earl of Argyle's absence, 525, 771, 561; Campbell of Lundy and his charge in the Earl's absence, 539–40; MacLean of Duart seizes the dwelling of Lord George Gordon at Innerlochtie and fortifies it for the reset of broken men of the Isles, 573; the Highland Chiefs in Edinburgh, and ordered to remain, Donald Gorme being absent, 772, 773, 574–579, 580; Lord

Gordon's commission against MacRanald of Gargavach and his son, 577; commission to the Marquis of Huntly against MacRanald, 582; band by MacLeod of Harris, MacKinnon of Strathordale, MacLean of Coll, MacLean of Lochbuy, and the Captain of Clanranald, severally and conjointly, with obligations laid upon them similar to those imposed by the Band and Statutes of Icolmkill in 1609, but with some of greater stringency, 773–6; order to MacLean of Duart and his brother to find similar caution, 776; nomination of their chief clansmen by MacLean of Duart and the other chiefs, 776; nomination of the chief clansmen of Donald Gorme, absent, by MacLeod of Harris, and the Tutor of Kintail, 776; the children of all the Island Chiefs, and of their principal clansmen, to be sent for their education to schools in the inland country, 775, 777–8; act forbidding the drinking of wines by the common people of the Isles, 777; MacLean of Duart committed to ward for non-payment of duties to his Majesty, 776; is warded, with his brother, in the Castle of Edinburgh, for not finding caution, 588; band of five of the Islesmen, 588; Donald Gorme required to subscribe their band, 588; band of Donald Gorme of Slait, in similar terms to the preceding bands for the other Island Chiefs, 778–80, 844; commission of justiciary at Inverness against resetters of traitors in the North Isles, 605–6, 609; new rebellion in the Lewis, under Malcolm MacLeod, and renewed commission to the Tutor of Kintail and other MacKenzies for reducing the Lewis to obedience, 609–11; caution by MacLean of Duart and his father-in-law, Acheson of Gosfurd, for his release from Edinburgh Castle, 780–1; royal warrant to the Council to grant licences to certain of the Island Chiefs for carrying fire-arms, 626; alleged piracy off the Coasts of the North Isles by the outlawed friends of the Traitor MacDonald, 634–5; missive to the Highland Chiefs enjoining on them alacrity in the pursuit of fugitives from the late rebellion in the West Isles, 756; the laird of Grant, 654; caution for the wife of MacRanald of Gargavach, 781; the petard and other implements sent to Islay for the attack on Dunivaig Castle restored to Edinburgh Castle by Campbell of Cadell, 677. *See also* Fines, Gregor, *and* Islay.

Highways and Roads, council business concerning, 514. *See* Roads.

Hilderston in Linlithgowshire, 221, 222–3. *See* Mines.

Hildson, Marion, 351.

Hill, Katherine, in Queensferry, charged with witchcraft, 335.

—— William, in Niddrie Merchell, 426.

Hinchinbroke in England, royal letters, &c., dated at, 215, 822.

Hind (Hynd), John and James, in Cupar, 558.

Hird, Hercules, servitor to the bailie of Selkirk, 578.

Hirdmestoun, the laird of, interim sheriff of Haddington, 389; justice of the peace for Haddington, 833.

Hislop, Alexander, in Pitnathie, 511.

—— John, in Niddrie, 508.

—— John and William, in Outerburgh, 574.

—— John, 843.

—— Jonet, spouse of Dickson, at Dumfries, 649.

Hoddum, George, merchant burgess of Edinburgh, 93.

Hogg, David, in Kelly Mains, 38.

—— David, in Cupar, Fife, and his wife, Margaret Reddie, 512.

—— James, in Yaralside, murder of, 249.

—— Robert, maltman, in Stirling, 400.

—— Thomas, 235.

—— of Blarydryne, Menon, a fugitive debtor from the Tolbooth of Aberdeen, 678.

Hogstoun, Walter, in Theinstoun, 511.

Holmendes, the laird of, justice of the peace for Dumfries, 833.

Holyrood, the palace of; a meeting of Privy Council held in, on the afternoon of May 17th, 1615, 329; preparation at, for the King's visit, 459, 471, 473–4, 517, 623; ceremony of the oaths of allegiance and of homage to the King taken by the Archbishops of St. Andrews and Glasgow in the Chapel of, xcvii, 411–12; measures taken by the ministers, elders, and deacons of the Kirk of, for the relief of the destitute poor in the Canongate, 480–1; the Chapel Royal of, mentioned, 494; contract with a London mason for the repair of the Chapel of, 593–4; park of, 681–2, 687.

Holyroodhouse, John, Lord, deceased, 272.

Home, witness, 124.

—— and others, action against, 591.

—— Mr., parson of Polwart, 269.

—— Alexander, servitor of the Earl of Errol, 165.

—— Alexander, in Northberwick, son to the late parson of Polwart, 269, 270, 272, 613, 651.

Home, Andro, portioner of Simprene, 655.
—— Cristiane, spouse of Thomas Fisher, 39.
—— David, servant of Creichton of Ruthvens, 117–18.
—— Elspatt, relict of Alexander Ramsay, 793.
—— George, portioner of Gullane, denounced for the forcible abduction of Jean Howieson, 99–100, 115, 123.
—— James and Robert, sons of Mr. William Home, minister at Crombie, 361, 375.
—— James, skipper, in Leith, 415.
—— Mr. James, brother german of Sir George Home of Wedderburn, 464 ; and his son, 470.
—— Jean, daughter of the late Home of Whitelaw, dispensation of minority to, 647.
—— Mr. John, Chamberlain to Viscount Haddington, now Lord Melrose, 66.
—— John, burgess of Edinburgh, 407, 426.
—— John, younger, eldest son of Home of Kello, 464; portioner of Kello, 595–6.
—— Sir John, son of Home of Cowdenknowes, 508, 514, 552.
—— Mark, in Chirnesyde, 613, 655.
—— Robert, bailie depute to the Earl of Home, 27.
—— Robert, tutor of Crossrig, 146.
—— Patrick, natural brother of Sir George Home of Wedderburn, and his spouse, Helen Ramsay, 146.
—— Thomas, in Coldingham, 81, 91.
—— Thomas, constable of the Castle of Edinburgh, 841.
—— Sir William, 260 ; justice of the peace for Haddington, 833.
—— Mr. William, minister at Crombie, 361.
—— William, servitor to Home of Renton, 642, 643.
—— of Argatie, Patrick, justice of the peace for Perthshire, 168.
—— of Aytoun, Sir Patrick, 4.
—— of Broxmouth, Sir George, 173.
—— of Carrelsyde, Mr. Robert, spouse of Margaret Many, 479.
—— of Coldinghamelaw, Patrick, 27, 351.
—— of Cowdenknowes, Sir John, 508–9.
—— of Eccles, 375.
—— of Hardeismylne, William, and William Moffet his servant, 422, 423, 425, 431, 432, 448.
—— elder, of Kello, John, 464.
——of Mandirstoun, Sir George, 432, 448, 466, 528.
—— of North Berwick, Sir John, justice of the peace, 266, 379, 431, 647; guardian of Adam French of Thornidykes, 422, 423, 432, 528.
Home of Renton, Alexander, 642.
—— of Sownwood, 351.
—— of Spott, Sir George, afterwards Earl of Dunbar (deceased), 675 n.
—— of Wedderburn, Sir George, 4, 146 ; justice of the peace, 266, 379, 414, 464, 647.
——Alexander, Earl of, bailie-principal of the bailiary of Coldinghame, 27, 129 ; heritable proprietor of the lands and barony of Abstreule, 135,414, 515, 521, 543, 549.
Hope, Mr. Thomas, advocate, 699.
Hoppringle, George, in Newmylnes, 798.
—— John and George, 322.
—— fiar of Brikholme, James, 798.
Horn, John and William, millers of the Earl of Mar, in the Park Mill of Alloway, 627, 628.
Hornings: order from the King that a catalogue be prepared of all persons at the horn throughout the kingdom, 376–7 ; proceedings against a number of persons for remaining contemptuously at the horn without having themselves relaxed, 425–7, 511.
Horsburgh, Alexander, eldest son of Horsburgh of that Ilk, denounced for violent conduct to his father and brothers, 384–5, 450, 472–3, 489.
—— James, wobster, burgess of Peebles, 473.
—— John and Walter, younger sons of Horsburgh of that Ilk, 385.
—— William, son of Horsburgh of that Ilk, 359, 375.
—— William, in Hillhouse, 548.
—— of that Ilk, Alexander, 384, 450, 472–3, 489.
Horses : assault during a journey between Brechin and Dundee on horseback, 343–4; poinding of, 368, 378–9, 396, 470 ; custom charged on, brought out of Ireland into Scotland, 463 ; stabling for 5000 horses required to be ready for the King's visit, 683–4, 687.
Horse-stealing, cases of, 2, 27, 29, 98, 209–10, 414, 439–40, 467, 468, 488, 539, 559, 637.
Horsirpluch, tenants of, 591.
Hospital, grant of the King for the building of a, in Leith, 21.
Hossock, Donald, in Casiltoun, 794.
Housebreaking, case of, 242.
Houses and lands : house and manor place of Þirsay in Orkney, 289, 290; place of Blairquhan, property of the Earl of

Cassillis, 272; Braemar, the property of the Earl of Mar, 265; Carnwath, lands and barony of, property of the Earl of Mar, 137, 210; place and tower of Catboll, property of Lady May, 538; Courthill, property of Rowan of Bandane, 84; the place of Dalmahoy, 100; the barony of Dolos, 410; the place of Errol, 165; Eskdale Mure, belonging to the Earl of Morton, 66; the house of Garth in Perthshire, 152; Gastonhall, the property of Sir Robert Bruce of Clackmannan, 97; the lands of Glassill "callit Bischoppis Stone," 424; the lands of Hemprigis, 93; the lands of Huntingtower, 142; the manor of Inchegall, property of Wardlaw of Torrie, 48; fort and manor house of Innerlochtie, property of Lord Gordon, 573; Kingsbarns, property of the King, 98; house of Kinkell, property of Sir James Kincaid, 410; lands of Lamreik and Ruskie, belonging to Napier of Merchiston, 41; Netherclift, part of the forfeited Gowrie Estates of 1600, 483 n.; the lands of Over Auchereis, with the tower, fortalice, and manor place thereof, residence of the Countess-Dowager of Errol, 75; lands and barony of Pitteddie at Kinghorn, 544; manor place of Polton, 39; Slains and Turriff, property of the Earl of Errol, 279; place of Strathurd, 84; manor place of Turne, property of Margaret Many and Jean Hamilton, 479; lands and barony of Windingtonhall, property of the same, 479; the Yairdis, in Orkney, 289, 290; Stone Houses, *see* Castles.

Houstoun, Arthur, burgess of Stirling, 299, 400, 402, 589, 592.

—— William, in Dumbarton, 510.

—— William, in Barrochan, and George, his son, 618.

—— of Leny, John, 426.

—— of Soutoun Wester, Mr. Peter, 457.

Howall, Mr., at Auchterderran, 840.

Howard, Lady Frances, late Countess of Essex, married to the Earl of Somerset, 159 n., 200 n.

Howie, Mr. Robert, D.D., Principal of one of the Colleges of St. Andrews, 588 n.

Howieson, Alexander, merchant burgess of Edinburgh (deceased), father of Jean Howieson, 99, 115.

—— Jean, 99, 100, 115, 123, 814.

—— John, burgess of Edinburgh, 426.

Howpaislay, Lady. *See* Scot, Margaret.

Hucheson. *See* Hutcheoun.

Huchone. *See* Hutcheoun.

Hudspeth, Wilfurd, at the Hempseidfurd, 378.

Hunter, Andrew, provost of Forfar, 428.

—— David, in Over Crailing, 472.

—— David, in Nether Crailing, 472.

—— David, merchant burgess of Dundee, 585, 592.

—— Harbert, in Halywood, at Dumfries, 343.

—— James, in Over Craling, 472.

—— John, procurator, 66.

—— John, messenger, 841.

—— Patrick, in Ardett, 368.

—— Patrick, in Pitcormie, 376.

—— Thomas, merchant burgess of Edinburgh, 97, 123, 376, 489.

—— of Over Carnbie, Patrick, 38; charged with usury, 170, 483–4.

Hunting: forbidden in the district of Cheviot by proclamation, 198–9; the King issues a proclamation to announce his intended visit to Scotland, and to command strict observation meanwhile of the laws against hunting or shooting of wild game, 458–9, 466.

Huntly, George Gordon, Marquis of, x, xxxiv, lvi, lxvi, lxxxix, xcvii–xcviii, civ; the Earl of Errol forbidden to intercommune with the, 36; released by royal command from his band and obligation to remain in Strathbogie, and allowed to attend the King in England, 45–6; his overture to the Council concerning the coining of some copper, 57, 811, 818, 821; letter of Council to, anent Allan MacEanduy, 162; commissions of fire and sword to, against Cameron of Lochiel, 185–6, 189–91, 210, 271, 294; commissions to, against Sir James Macdonald, 330, 330 n., 347, 379, 393, 582, 733–5; his son, Lord George Gordon, 440 n.; charged to appear before the Council, and to give advice anent the business of the Isles, and MacDonald, 451, 767; feud with the Earl of Murray, 466, 552, 561, 661, 662, 663, 664, 665; commissions to, against MacRannald of Gargavach, 488, 489, 490, 513, 769, 771; sentenced by the Court of High Commission to be warded in the Castle of Edinburgh, 562 n.; letter from the King to the Council, 561; liberated by a warrant of the Chancellor, 542, 562 n.; received into the Church of England and receives the Communion from the Archbishop of Canterbury at London, 561–4 n.; his absolution confirmed by the General Assembly at Aberdeen, 599 n.

—— Lady Henrietta Stewart, Marchioness

of, daughter of the Late Esmé, Duke of Lennox, 440 n.
Husband, William, hammerman in the Hill of Maynis, tried for murder, 369.
Hutcheoun, Hutchone, Hucheson, Hutson: David, bailie of Kirkcaldy, 147.
—— Helen, at Howgill, 391.
—— John, servitor to Forbes of Lethintie, 82.
—— John, a rebel, 452.
—— Katherine, tenant of Wamfray, 390.
—— William, in Carngrysie, 511.
—— Helen, in Kirkhill, 392.
—— John, hatmaker in Edinburgh, 426.
—— John, younger, in Couper Grange, 558, 591.
—— John, in Little Kinnaird, tenant of the Earl of Kinghorn, 596.
—— John, at St. Andrews, 621.
—— Robert, deacon of the "cordiners" of Stirling, 8.
—— William, prisoner in the Tolbooth of Edinburgh, 147–8, 153.
Hutton, Huttoun: Alexander, servant to the Earl of Errol, 36.
—— Alexander, skinner, and sometime deacon, at Stirling, 632.
—— Archibald, servitor of the Earl of Errol, and witnesses the Earl's band, 36, 165.
—— John, messenger, 374.
—— John, 376.
—— Jonet, spouse of Gilbert Crystie, 161.
—— William, burgess of Anstruther, 350.
—— William, 352.
—— William, in Clackmannan, 628.

Icolmkill, the band of, xxx, xxxviii, lvii, lix, 267 n.; ratification of the same by the Island Chieftains, 698, 773.
Imposts, customs imposed upon imported wheat, &c., 243–4.
Imprisonment, actions on account of wrongous and unlawful, 90, 117, 124, 127–9, 142, 163, 212, 234, 260, 321, 388, 397, 478, 486, 551, 596–7, 614–15, 643, 651; of an offender, by Kennedy of Crugiltoun, within the pit of the Castle of Crugiltoun, 173–4.
Imrie, James, servitor to Urquhart of Burisyairdis, 341.
—— Richard, in Fildie, fined for assault, 272, 789.
Inarran, Patrick, in Tarbert, fined £20 for resetting the Clan Gregor, 225.
Incendiaries. *See* Henderson, John.
Incest, case of, 278.
Inchedachole, an island off the coast of Ireland, Sir James Macdonald, with his sons and Sorle MacJames, escapes to, 759, 764.
Inchegall, lands and barony of, 48.
Inchemartin, the laird of, 530.
Inchester, the laird of, 530.
Indemnity, Act of, of 1597, for crimes committed in the course of a feud, &c., 661.
Industries. *See* Crafts.
Infeftments, registration of, 12; of Lord Ochiltree in certain lands, 348, 354–5, 370, 375.
Inglis, ——, a common thief, 209–10.
—— in Skrogtoun, within the town of Douglas, 283.
—— Dionysius, 559.
—— George, burgess of Edinburgh, 4, 43.
—— Jaques, 300.
—— James, in Glasgow, one of the tacksmen of customs, 510–11; bids for the new tack, 620.
—— James, 591.
—— James, porter to the Earl of Linlithgow, 832.
—— John, 351.
—— John, at Kinghorn, 545.
—— Thomas, younger, portioner of Auldistoun, 130, 141, 349, 352, 359, 367, 375.
—— Thomas, merchant burgess, and councillor of the burgh of Edinburgh, 203, 640, 785.
—— younger, of Auldlistoun, Thomas, 426.
—— of Braidlie, James, bailie to the Earl of Angus, in the barony of Douglas, 559.
—— of Eistscheile, Thomas, bailie to the Earl of Mar, on the lands and barony of Carnwath, 209–10, 613.
"Inglish dog," expression of insult used in a quarrel in the Canongate, 617.
Innerwick, the laird of, justice of the peace for Haddington, 833; takes part in the repair of roads in East Lothian, 549.
Innes (VicInnes), in Dalivoran, 404.
—— murdered in Edinburgh, 547.
—— Alexander, 91.
—— Annas, sister of the laird of Innes, 234.
—— George, in Edindeach, 370.
—— James, messenger and citizen of Brechin, 58.
—— James, in Muretoun, 66, 67.
—— James, in Glenbucket, 393.
—— Jean, spouse of Grant of Cardaillis, 616, 639, 651.
—— Mr. Jerome, minister at Fyvie, 365, 375.
—— Mr. John, sometime minister in Caithness, xcii, 328–9, 331.

Innes, Robert, 234.
—— Robert, procurator, 586.
—— William, tenant of Lord Forbes, 490, 541.
—— William, in Sansett, 451.
—— of Collistoun, John, justice of the peace, 619.
—— of Cottis, Alexander, 618–19.
—— of Culrossie, James, fined for resetting the Clan Gregor, 55.
—— of Innermerkie, justice of the peace, 619.
—— of that Ilk, justice of the peace, 234, 619.
—— of Inverbrakie, James, fined for resetting the Clan Gregor, 55.
—— of Kynedward, William, 66, 67.
—— of Leuchars, John, justice of the peace, 619.
Insanity, case of. *See* Bell, Betsie.
Inventory, made at Leith, of ordinance sent to Orkney, 713–14.
Inverar (burgh), market cross of, 740.
Inveresk, public penance in the Kirk of, 369.
Inverkeithing (burgh), commissioners of, 192–3; provost and bailies of, 475.
Inverleith (Innerleythe), the laird of, and his bailies of the Potterrow and West Port, 471; justice of the peace for Edinburgh, 833.
Inverness (burgh), 2, 4, 23; proclamations at the market cross of, 185–9, 611, 740; ward in the Tolbooth of, 209; resetters of traitors in the North Isles tried at, 605-6; macer of, 817.
—— (shire), list of the resetters of the Clan Gregor in, and of the fines imposed on them, 51–5, 119–22; in the service against the Isles, 364; pursuit of MacRanald of Gargavach within the bounds of, by Lord Gordon, 577; levies in the sheriffdom of, 767; commissions to the Sheriff of, and his deputies, 132, 202–3, 208–9, 327, 404–5.
Ireland, liii, lxxvi–vii; complaint of the people of Islay against Sir Ronald MacSorlie, that he is subjecting them to the forms and laws of, 13, 809; transport of passengers and goods to and from, 28, 463; missive of Council to the Deputy of Ireland, in favour of George Littlejohn, 51; ferries between Scotland and, 210, 211; the Earl of Abercorn and his lands in, 263, 263 n., 846; Lord Ochiltree and his son transfer themselves permanently to, 333–4; the Stewarts of Ochiltree introduced into the Irish peerage, 334–5 n.; Patrick Adair warded for insolence to the Earl of Abercorn, 463; anent remanding rebels from and to, 489; act for the pursuit and arrest of fugitive criminals from, and their delivery to the order of the Lord Deputy of, 519–20; passage between, and Scotland, 531; proclamation to fix certain ports in Scotland, from which alone there shall be commerce with, and regulations for superintendence of the same, 566–70, 844; escape of rebels from Islay to, 717; Sir James Macdonald takes refuge in the town of Galway in, 759; some fugitive rebels return from Ireland to the Western Isles, 769–71; the Deputy of (Sir Arthur Chichester), 28, 51, 350, 364, 519–20, 717–18, 748, 761.
Ireland, Alexander, at Giblistoun, 38.
—— Andro, in Arnecreich, 38.
Irnes, Thomas, in Kelly Mains, 38.
—— (Irnis) William, in Baldutho, 38.
Iron and Iron ore: act prohibiting the transport of iron ore forth of the kingdom, 22, 51; "osmond iron," and "gad iron," impost on, 86; on the shore of Fife beside Dysart, 160.
Irvine (burgh), act empowering the Magistrates and Council thereof to exact certain imposts on shipping for the upkeep and repair of their harbours, 137; charge to the, 192–3, 350; public penance in the kirk of the, 367.
Irving, David, in Holmefute, 468–9, 470.
—— Harry, servitor to Irving of Bettie, 423–4.
—— James, servant of the Earl of Caithness, 826.
—— Jeffrey, in Holmefute, 468, 469.
—— John, burgess of Dumfries, 446.
—— John, "callit Riddings," 468, 469.
—— John, in Knox, 588.
—— Jonet, at Mureailhouse, a witch employed by the Erskines in the business of poisoning their nephews, 172 n., 180, 584, 584 n.
—— Richard, 212.
—— Robert, *alias* Duncan Burnett, sometime in Quhitestane, 144, 145, 261, 424.
—— of Beltie, William, 423–4.
—— of Drum, Alexander, commission to, against a witch, 76, 552, 678.
—— of Glasshill, Robert, and his son Alexander, 424.
—— of Kellie, William, one of the arbiters in a feud, 541–2.
—— of Kirkconnell, William, 469.
—— of Quhytstane, Alexander, 145.
Iset, William, 331.

Islands: Arran, 743; Barra, 817; Eigg, 330 n.; Harris, 818; Lewis, 817; MacAcharmick, 758; Oronsay, 441.
Islay, xxxvi–xlii.
Isles, Lord of the. *See* Charles, Prince. Fishing in the northern, 241; the Insurrection in the western, xxxvi–lix. *See* Highlands and Isles.
—— Bishop of the, and of Raphoe in Ireland (Andrew Knox), member of the Privy Council, xvi, xxxvii; mentioned by Calderwood as "ane aged man," 44 n.; commission of fire and sword to, against Angus MacDonald in Islay, and to obtain from him the Castle of Dunivaig, 242, 367–8 n., 695–7; Donald Gorme commanded to assist him, 267; is compelled to relinquish the Castle of Dunivaig to Macdonald, and to leave his son and nephew, with him as hostages, 279–80 n.; delivery to the Council of a message from, as to the terms on which the holders of the Castle of Dunivaig offer to surrender the castle, 715; instruction of Council to the Laird of Caddell to use all means for the rescue of the son and nephew of, 717; is apparently in disfavour since the above events in Islay, and is not promoted to the vacant Archbishopric of Glasgow, 382 n.; other mentions of, 69, 698, 706, 723; present in Council, 346, 587.
Islesmen, certain acts anent the, 261, 574. *See* Highlands and Isles.

Jack, Francis, tenant and servant of Grant of Rothiemurchus, 93.
—— James, notary, 355.
—— Thomas, at Giblistoun, 38.
Jackson, Alexander, charged with murder, 352.
—— John, merchant burgess of Edinburgh, 446.
—— Alexander, of Watterybutis, 340, 342–3.
Jacobson, George, 260.
—— Joris, in Skiddam, ship-master, 344.
Jaffray, Patrick, in Lairnie, 659.
James, called "of Jerusalem." *See* Stewart, James.
ames IV., reference to, and the village of Clatt, 363; reference in a royal commission to him as founder of the Chapel Royal of Stirling, 493.
James V., relationship of the Earl of Orkney to, lxvi.
James VI., King of Scotland, vi, vii, ix, x, xi, xvii, xviii, xix, xx, xxi, xxii, xxiii, xxv, xxvii, xxix, xxxii, xlix, l, lix, lx, lxii, lxv, lxvi, lxvii, lxix, lxx, lxxi, lxxii, lxxiii, lxxiv, lxxv, lxxvi, lxxvii, lxxxiii, lxxxiv, lxxxvii, lxxxviii, lxxxix, xci, xcii, xciii, xcv, xcvii, xcviii, xcix, c, ci, cii, ciii, civ, cv, cvii, cviii, cix, cx–cxv; reference to his childhood at Stirling, 676 n.; surrender to the King by the Duke of Lennox and the Earl of Abercorn of the offices of Sheriffship of Edinburgh, Haddington, Linlithgow, and Dumbarton, and intention of the King to reform the system of arrangements for all the Sheriffships, 20; complaint by the magistrates of Dunbar and North Berwick, concerning the share of those burghs in certain expenses in the home-bringing of the King and his bride from Denmark, in the year 1590, 23–4; action by the Crown against the Earl of Argyle and twenty other landlords of the Clan Gregor for the recovery of certain fines alleged to be due to the Crown by voluntary agreement to that effect: defenders assoilzied, 113–14; Sir Mungo Murray, knight, surrenders back to the King the lands of Huntingtower, 125–6; proposes methods of dealing with the Clan Gregor, necessitated by the refusal of the MacGregor landlords to abide by their offer to pay a certain contribution out of the MacGregor lands towards the expenses incurred in suppressing the Clan, 133–4; appoints Sir Andrew Ker of Oxenhame to attend upon the person of Prince Charles, 176 n.; appoints a commission to inquire into and rectify alleged abuses in Glasgow University, dated at Royston, 9th December 1613, 195–7; his circumscription upon certain new copper coins, 825; certain documents relating to the King's Chapel Royal presented to the Council by John Gibb, 296–7; accepts the apology of Sir Alexander Seyton for having assumed the title of Earl of Eglinton without warrant, and confers the title upon him, 310–11; intimation by the Secretary in the King's name to various officials that the royal signature is required upon all documents transferring or changing titles and honours of nobility before they be duly registered, 311, 321; overrules an Act of Parliament appointing the Kirk of Nether Daltoun to be the place of worship for the united parishes of Daltoun and Mouswald, 362–3; all persons prohibited to repair to Court under pretence of suing for debts due to them by the King, 408; question brought before the Council by parties of the validity of a royal licence to dig and

build a vault in the High Street of Edinburgh, 473 ; his detestation of tobacco ; royal act to prohibit the importation and sale of tobacco, 517 ; collection of the King's writings, including the *Counterblaste to Tobacco*, printed in 1616, 517 n. ; pays to Mr. John Aitchison £4000, being the residue of money owing to him for the purchase of the lodging in the Cowgate of Edinburgh where the Cunyiehouse has been kept, 548 ; receives the Marquis of Huntly at the English Court in London, on his coming there without warrant, 562 n. ; the Acts of the General Assembly of 1616, presented to him for confirmation by the Archbishop of Glasgow and the Bishop of Ross, the King's exceptions to some of them, and his suggestions for furthr changes in the system of the Kirk, 598–601 n. ; prepraations for the projected royal visit to Scotland in 1617, 458, 470–2, 473–4, 477–8, 492–3, 504–5, 514, 515, 517–18, 521, 534, 570, 593–4, 607, 612, 623, 624–5, 637, 646, 667, 681–2, 682–3, 683–4, 684–6, 687—English Royal Residences, or Places of temporary stay:—*see* Andover; Apthorpe; Basing; Bletso; Croydon; Finchinburgh; Greenwich; Haines; Lulworth; Newmarket; Oatlands; Richmond; Royston; Rufford Abbey; Salisbury ; Theobalds ; Thetford ; Tottenham High Cross; Wansted; Windsor; Whitehall; Woodstock ; a list of the Scottish palaces of the King, 459.—Royal Letters, Missives, and Warrants, addressed to the Council or to members of the Council :—for an act anent the allocation of profits arising from a new impost on wines of Leith, dated at Newmarket, 6th of January 1613, 22 ; anent the partnership in the silver mines of Hilderston of Thomas Foullis, Alexander of Menstrie, Paulo Pinto and others, dated Newmarket, 6th March 1613, 17, 19 ; for an act of Council anent the payment of the Princess Elizabeth's marriage portion, dated at Newmarket, 6th March 1613, 15; to appoint a special committee of Council for the business of rating the fines to be imposed upon resetters of the Clan Gregor, dated at Thetford, 11th March 1613, 31–2 ; with specific instructions to the Council as to the mode of dealing with the still outlawed residue of the Clan Gregor, dated at Thetford, March 11th 1613, 807–8; commanding exoneration and indemnity to Robert Campbell of Glenfalloch and his brother John Campbell for all acts done in their service against the Clan Gregor, dated Thetford, 13th March 1613, 47–8; charge to Sir Alexander Seyton not to assume the title of Earl of Eglinton, 32–3; with missive and warrant for the same, dated Thetford, 13th March 1613, 33 and 33 n. ; warrant to discharge the Sheriffs-Depute of Edinburgh, Haddington, Linlithgow and Dumbarton, dated Royston, 20th March 1613, 20–1 ; memorial of agreement between the King and Archibald Campbell regarding the charge of the "bairns of the MacGregors," and other matters, 810 ; missive letter, and warrant for appointment of Livingston of Kilsyth to be Vice-Chamberlain of Scotland, dated at Whitehall, 16th April 1613, 47 ; missive letter, and warrant for an act of Council, to release the Earl of Huntly from his band and to allow him to repair to the Royal Court in England, dated at Tottenham High Cross, 1st May 1613, 46 ; anent a petition of the Marquis of Huntly, dated at Tottenham High Cross, May 1st 1613, 811; commanding the execution of Lord Maxwell, and censuring the Council for their delay in the matter, dated Whitehall, 4th May 1613, 44–5 ; in favour of the Earl of Argyle in certain particulars of the dealing with the MacGregors, dated from Greenwich, June 8th 1613, 813; enjoining strict prosecution of persons discovered as having attended mass in Edinburgh, dated at Greenwich, 25 June 1613, 813–14 ; anent the Lords of Scone and Burley, 90 ; three royal missives in favour of MacLeod of Harris, 100 ; warrant for the readmission of Lord Balfour of Burley to his place in the Privy Council, signed at Andover, the 26th of July 1613, 125 ; ordering the imprisonment of Allaster MacGregor and Duncan McEanduy, dated at Windsor, 8th September 1613, 816; anent the Laird of MacIntosh, the feud between the Earl of Angus and Ker of Fernihirst, Allaster MacAllaster and another, the poisoning of the Laird of Dun, John Cranstoun, 152; protection granted by the King to the Countess of Bothwick, 156; warrant to the Council to admit the Viscount Rochester to be of the Privy Council, dated at Finchinburgh, October 18th 1613, 158; warrant for two Acts of Council anent the coinage, dated at Finchinburgh, 18th of October 1613, 214–15; anent John and Donald Calder and their resetters, dated at Finchinburgh, 19th October 1613, 822; original of the letter anent Sir Andro Ker of

Oxenhame referred to ante p. 171, 822; in favour of Sir Harrie Lindsay, dated at Royston, 22nd October 1613, 822; warrant for act denouncing the Earls of Errol and Sutherland and the Countess of Sutherland for their persistent papistrie, dated 24th October 1613, 169 and n.; for the act to admit Sir Andrew Ker of Oxenhame to be of the Privy Council, dated at Royston, 27th October 1613, 171; to the Treasurer, anent copper coin, and anent "his majesty's moveables," 164; to appoint Ker of Oxenham to be a Commissioner of the Border Shires in succession to Ker of Ancrum, dated at Whitehall, 8th of November 1613, 176; anent Allan MacEanduy, the Clan Gregor landlords, the new sheriffships, the Cunziehouse and the repairing of the King's castles, Captain Wood, the fines due from the Tutor of Kintail and other Mackenzies, 192; in favour of the Laird of Kinfawnis, 174; to grant a licence to the inhabitants of Dalkeith, dated at Royston, 16th January 1614, 203; for act in favour of the Earl of Sutherland, dated at Theobalds, 31st January 1614, 207; in favour of Sir John Skene, 210; to grant a petition of Sir Robert Gordon, 213; to remit a fine due from Gordon of Lochinvar, written at Newmarket in February 1614, 786; to forbid the Countess of Bothwell to repair to Court, dated at Newmarket, 24th February 1614, 217; to appoint Ker of Oxenhame to succeed Ker of Ancrum in Captaincy of the Guard, dated at Theobalds, 5th March 1614, 231; to remit part of the sentence against Thomas Johnstone to the discretion of the Bishop of Brechin, dated at Whitehall, 14th March 1614, 233; to warrant an act of Council for coinage of copper into money, dated at Whitehall, 14th March 1614, 237; the sending out of two of the King's ships to pursue pirates reported to be on the coasts of the kingdom, dated at Whitehall, 6th May 1614, 236; letters anent the Bishop of Orkney, 240; anent Sir James Macdonald, 242; to instruct the Council to receive from the Bishop of Orkney certain things in his possession which belonged to the Earl of Orkney, dated at Greenwich, 7th June 1614, 827; anent a dispute between the Treasurer-Depute and the Bishop of Orkney, dated at Greenwich, 7th of June 1614, 827; to relieve five Fifeshire ministers from their ward, signed at Greenwich, 14th June 1614, 258 and n.; to order the passing of a gift of privilege in favour of Andro Hart, dated at Theobalds, June 16th 1614, 827–8; to impose fines on persons not joining in the pursuit of Cameron of Lochiel, and for the assignment of said fines, dated at Richmond, 30th June 1614, 250; anent complaints against Lord Scone by the wife of Andrew Henderson, dated at Oatlands, 5th July 1614, 828; anent Wauchton and Whittingham, the Sheriffs of Linlithgow and Dumbarton, the Scotts of Tushielaw, the keepers of Dunivaig, Sir Ronald MacSorle, Sir Claud Hamilton, the Earl of Argyle, 267; in favour of the Earl of Abercorn, signed at Rufford, 11th August 1614, 263 and n.; to grant a Dispensation to Lord Kintail and others from service against Cameron of Lochiel and other services during the tenure of their commission for the reduction of the Lewis, 270–1; to grant a Dispensation in favour of Lord Boyd, a minor, 275–6; to admit the Earl of Caithness to be a member of the Privy Council, signed at Royston, 15th October 1614, 278; to grant a privilege in favour of Archibald Campbell for the sole right of making red herring betwix Tweedmouth and Pentland Firth and from Tweedmouth to the Mull of Galloway for 21 years, dated at Royston, 18th October 1614, 438; anent the celebration of mass in Glasgow, the rebellion in Islay, the demolishing of Kirkwall Castle, Archibald Campbell, 280; to allow the Earl of Caithness to repair to Court, 293; in favour of Leith of Harthill, 294; anent Robert Stewart and the Orkney prisoners, 297; anent the Earl of Orkney, and answer thereunto from the Council, 298; anent the Bush-fishing, 298; anent the Earl of Orkney, and the torturing of Jesuits, 299; encloses in a letter to the Archbishop of Glasgow five questions to be put to John Ogilvie in his trial, 305 n.; for the banishment of Helen Erskine, dated at Royston, 9th February 1615, 315; anent Walter Geddie, Sir John Lindsay, Andro Henderson, 303; warrant to admit the Bishop of Ross to be a member of the Council, dated at Newmarket, 3rd March 1615, 319 and n.; warrant for act of Council anent the kirk of Mouswald, dated at Greenwich, 27th May 1615, 363; granting the petition of Lord Ochiltree and his son, dated at Greenwich, 27th May 1615, 333–4; registration of Royal Letters of 27th May 1615, 334,

referring to the Council an application from Sir William Seyton, dated at Whitehall, 1st July 1615, 832; for the admission of Sir William Alexander to be of the Privy Council, dated at Whitehall, 1st July 1615, 358 and n.; to intimate the appointment of Argyle to the general Lieutenancy in the service against the rebel MacDonalds, dated at Basing, 24th July 1615, 744–5; another letter on the same business, dated at Salisbury, 28th July 1615, 745–6; to intimate that a certain number of the Council to be chosen by the Earl of Argyle himself are to be advisers of the Earl in the conduct of his Lieutenancy for the suppression of the Western Rebellion, dated at Salisbury, 753–4; a second letter on the same subject as the preceding, dated at Lulworth, 13th August 1615, 754–5; order to the Treasurer Depute that a catalogue be prepared of all persons at the horn throughout the kingdom, with the particulars relative to their cases, 376–7; precept for the payment of £30,000 to the Earl of Abercorn, 380–1; to the Chancellor, to warrant act appointing James Law, Bishop of Orkney since 1605, to be Archbishop of Glasgow in succession to Spotswood, dated at Lulworth, August 13th 1615, 381; anent the service in Islay, and anent Robert Maxwell, 389; for warrant of act to admit Lord Gordon to be of the Privy Council, dated at Royston, 15th October 1615, 440 and 440 n.; to the Committee of the Earl of Argyle, intimating that, now that the rebellion in the Isles has been substantially suppressed, the paid soldiers levied for that service may be discharged, and the ship employed in the service sent back, dated at Royston, 27th October 1615, 756–7; two letters anent Mr. Patrick Gordon, and the Castle of Dunivaig, 403; a royal "privilege," in favour of certain merchants of Dunbar, for the making of red herring, between Tweedmouth and Pightland Firth, for 21 years, dated at Newmarket, 21st November 1615, 438; for the sequestration against Mr. William Watson, minister at Burntisland, dated at Newmarket, November 27th 1615, 429; containing approbation of the answers given by the Council to the questions submitted to them on the part of the Earl of Argyle, with the King's instructions on certain reserved points, dated at Newmarket, 12th December 1615, 761–2; signs an ecclesiastical decree for the Union of the two Courts of High Commission, dated at Royston, 21st December 1615, footnote 435–7; direction sent to the Council to put George Graham to liberty, 460; to appoint Lord Colville a Privy Councillor, signed at Newmarket, 11th February 1616, 582–3; proclamation intimating the King's intention of visiting Scotland, dated at Newmarket, 19th February 1616, 458–9; to admit the Lord of Buccleuch to the Council, dated at Newmarket, 19th February 1616, 464; to admit Lord Lindsay of Byres to the Council, dated at Newmarket, February 19th 1616, 485 and 485 n.; original of the same letter, 84 and 840 n.; to appoint Sir George Hay to be a Privy Councillor, dated at Whitehall, March 18th 1616, 483 and n.; act for arrest of fugitive criminals from Ireland, dated at Whitehall, 23rd March 1616, 520; answer to a petition from Francis Stewart, dated at Whitehall, 23rd of March 1616, 519; to admit the Earls of Wintoun and Perth to be Privy Councillors, dated at Whitehall, April 2nd 1616, 505–6 and 506 n.; commission to the Bishop of Gallowway for inquiring into the present state of the Chapel Royal of Stirling, and of the service there in music and other matters, with power to reform the same, dated at Royston (date not given), 492–4; to admit Mr. Peter Rollock of the Council, dated at Newmarket, 14th April 1616, 506 and n.; licence to James Primrose for twenty-one years to print and sell "God and the King," dated at Newmarket, 14th April 1616, 537–8; grant to Stephen Atkinson to work certain disused mines, dated at Newmarket, 29th April 1616, 530–3; missive to Council anent traffic between Scotland and England, 524–5; to admit Sir James Skene of the Privy Council, dated at Greenwich, 8th June 1616, 540–1; to appoint Livingston of Kilsyth a Commissioner of the King's rents, dated at Greenwich, 24th June 1616, 562–4; to confer on Lord Binning the Presidency of the Council in room of the deceased President, Mr. John Preston of Penicuik, dated at Greenwich, 24th of June 1616, 560 and 560 n.; to command the Marquis of Huntly to be re-entered in ward, 561; letter to the Archbishop of St. Andrews, in justification of the English absolution of the Marquis of Huntly, dated at Croydon, July 23, 1616, 563–4 n.; concerning the Earl of Caithness,

and his son, Lord Berridale, dated at Wansted, 11th July 1616, 844; proclamation to be made of a General Assembly to be held in Aberdeen, in August 1616, dated at Wansted, 12th July 1616, 580–1; to appoint Sinclair of Murchill to the sheriffship of Caithness, dated at Theobalds, 18th July 1616, 609; to appoint Sir Andrew Hamilton of Reidhouse a Privy Councillor, dated at Haimes, 21st July 1616, 594; instructions to Council in the matter of the feud between the Gordons and the Hays, dated at Bletso, 24th July 1616, 594–5; protection granted to Fergus MacBeth of Ballanavy, 590–1; warrant to the Council to rent certain mines on a twenty-one years' lease, dated at Apthorpe, 1st August 1616, 626–7; missive letter for the warrant of an act of Council to put up to public roup a new tack of the customs, with the King's explanation of his reasons, and fixing the upset price, dated at Ruffurd Abbey, 11th August 1616, 602; charge to William Crichton, dated at Woodstock, 23rd August 1616, 624; warrant to the Council to grant licences to certain of the Island Chiefs to carry firearms, dated at Woodstock, 27th August 1616, 626; to order the gift to the Earl of Abercorn of the escheats of such Scots appointed to lands in the barony of Strabrane as have failed to fulfil their obligations as undertakers for those Irish lands, dated at Royston, 15th October 1616, 846; to order the liberation of the gypsies now lying in the Tolbooth of Edinburgh, but with a time to be assigned to them for quitting Scotland under pain of death if they reappear there, dated at Whitehall, 2nd November 1616, 846; enjoining penalties on those parents who neglect the religious education of their children, dated Whitehall, 2nd November 1616, 846-7; respecting some recent thefts in the Borders, with directions to the Council concerning the Commissioners of the Borders, dated Whitehall, 9th November 1616, 847; to order the release of William Hay, dated at Newmarket, 7th December 1616, 847–8; to appoint the Earl of Mar to the office of High Treasurer, Comptroller and Treasurer of the New Augmentations, dated at Newmarket, 9th December 1616, 675; to admit the Bishop of Glasgow, Clerk Register Hay, and the Lord Advocate Oliphant, to the number of Commissioners for the King's Rents, dated at Newmarket, 9th of December 1616, 676; letter to the Council declaring the true causes of his approaching visit to his native land after so long an absence, dated at Newmarket, 15th of December 1616, 684–6. —For letters of Council to the King, *see* Privy Council.

Jameson, Jamieson: Alexander, sheriff-depute of Fife, 791.

—— Andro, in Haddokstone, 618, 655.

—— David, in Kirkaldie, and his spouse, Peiris, 511.

—— James, 163.

—— James, in Craikstounschiells, tenant of Ormiston, accused of murder, 246.

—— John, son of Andro Jameson, 655.

—— Janet, relict of Andro Mylne, 615.

—— William, in Belnacroy, fined for resetting the Clan Gregor, 54.

—— William and John, in (Guslet), sons of Jameson in Haddokstone, 618.

Jardine (Jerdane), Alexander, brother of Jerdane of Apilgarth, 661.

—— John, 212.

—— John, 272.

—— John, 300.

—— Margaret, spouse of John Flukair 557.

—— of Applegarth, Sir Alexander (deceased), 525.

—— of Applegarth, John, son and heir of Jardine of Applegarth (deceased), 384, 479, 489, 525, 551, 557, 591, 661, 673, 687.

—— of Balgray, John, 661.

Jarves, Thomas, in Kellie Mains, 483.

Jedburgh, charge to the burgh of, 192–3, *see* Stercovius; commissions of justiciary to the magistrates of, 29, 90, 107, 332; ward in tolbooth of, 90, 128, 135, 136, 239, 445; references to a baron court held in, on 12th February 1612, 129; to a justice court to be held at, in April 1613, 28; to a justice court held at, in July 1615, 378; to a court of Commissioners of the Middle Shires at, 399; the minister of, signs a certificate of sickness for the Earl of Angus, 156; "Jedburgh staffs," 617.

Jemok, John, in Lyne, 616–17.

Jesuits. *See* Church and Religion.

Johnston, Adam, in Wamfray Gart, also his sons, Robert and John, 391.

—— Adam, in Bighillis, 391.

—— Agnes, 300.

—— Agnes, at Dumfries, spouse of Roger Foid, 635.

—— Alexander, flesher at Edinburgh, 426.

—— Alexander, messenger, 791.

—— Andro, "sone to the Persone," and Archibald, his brother, 469.

Johnston, Archibald, merchant burgess of Edinburgh, and his son James, 385, 386.
—— Archibald, son of late Johnstone of Lockerbie, 469.
—— Bartill, indweller in Leith, 118.
—— Daniel, cordinair, burgess of Edinburgh, 39.
—— David, now in Howgill, denounced for deforcement of a messenger, and assault, 385.
—— David, in Betok, 391, 392.
—— David, in Brownhills, also his sons, David and John, 391.
—— David, "reidair" and clerk of the Session at Holyroodhouse, 481.
—— David, in Lanye Mure, 811.
—— Duncan, in Culterhuiff, 60.
—— Edward, merchant burgess of Edinburgh, 26.
—— Edward, provost of Annan, justice of the peace for Annandale, 162.
—— Frances, "callit of Lockerbie," 139, 142, 444.
—— Francie, in Hungriehills, 391.
—— Francie, in Netherkirkhill, 392.
—— Gavin, burgess of Edinburgh, 426.
—— Gawne, in Tounfute, 392.
—— George, 321; liberation of, from ward in the Tolbooth of Edinburgh, 364–5, 375.
—— George, son-in-law of David Johnston, now in Howgill, 385.
—— George, and Bessie Johnston, his spouse, in Stagwood, 391, 392.
—— *alias* Cardrum, Gilbert, in Lethintie, 59, 82, 91, 107, 123, 124.
—— Gilbert, son of Johnstone of Howgill, 159.
—— Gilbert, in Rigsyd, 391.
—— Hector, in Gymmonbie, 469.
—— James, son of Johnstone, in Leverhay, 391.
—— James, in Stephinbigging, 391, 392.
—— James, in Hissilbank, 391.
—— James, messenger, 385, 386, 841.
—— James, son and heir apparent of Johnstone of Brekansyde, 399–400.
—— James, 402.
—— James, in Chapell, 447.
—— James, 489.
—— James, son of Johnston, potter at Dumfries, 649, 650.
—— Jock, son of David Johnston, in Betok, 391.
—— Jock, in Sauchtreis, 391.
—— Jock, in Leverhay, 391.
—— Jock, in Cleughsyde, 391.
Johnston, Jock, in Kailrigis, 391, 392.
—— John, in Wraithis, and James, his brother, 7.
—— John, "callit of Lockerbie" (deceased), brother of Frances Johnston, "callit of Locharbie," 139.
—— John, son of Johnstone of Howgill, 159.
—— John, in the Lie, 359.
—— John, 375.
—— John, in Helbeckis, 391.
—— John, in Sauchtreis, 391.
—— John, in Cleughsyde, 391, 392.
—— John, in Leverhay, his sons, William, Archibald, John, Gilbert, and Robert, 391, 392.
—— John, in Nether Kirkhill, 392.
—— John, in Torwood, 468, 469.
—— John, potter at Dumfries, 635, 649, 650.
—— John, trumpeter, 708.
—— John, servitor to Richard Imrie, 789.
—— Jonet, in Queensferry, accused of witchcraft, 388.
—— Margaret, in Kelrigis, 391.
—— Margaret, daughter of the late Robert Johnstone, 648, 651.
—— Nicoll, tenant of Wamfray, 390.
—— Nicol, in Sauchtreis, 391, 392.
—— Ninian and Gibbie, in Langsyde, 391.
—— Ninian, in Colinstoun Stak, 391, 392.
—— Patrick, in Kelrigis, 391.
—— Peter, in Kelrigis, 391.
—— Robert, son of Johnstone of Howgill, 159.
—— Robert, 212.
—— Robert, "*alias* callit Ding the Devill," 424.
—— Robert, in Newtoun, 447.
—— Robert, burgess of Edinburgh, deceased, 648.
—— Sandie, in Castletoun, 269.
—— Simon and James, sons of Johnson of Kirkhill, 385.
—— Simon, tenant of Wamfray, 390.
—— Simon, in Bighills, 391.
—— Thomas, portioner of Currie, 145.
—— Thomas, at Brechin, sometime servant to Lady Auldbar, sentenced to banishment for life and other punishment for insolence to the Bishop of Brechin, 232, 233, 235.
—— Thomas, in Kennilhead, 385, 386.
—— Thomas, witness, 400.
—— Walter, 235.
—— William, in Raehill, tenant and servant to Lady Castlemilk, 7, 19.
—— William, son of Johnstone of Howgill, 159.

Johnston, William, in Kirkhill, 391, 392, 574.
—— William, "callit Cuddie's Will," 391.
—— William, "callit of Kirkholm," and his son George; also his brothers, Robert and Archibald, 392.
—— William, parson, father of Andro and Archibald Johnston, 469.
—— William, callit of Schaw, in Gymmonbie, 469.
—— William, in Meldrumtae, 469.
—— William, in Kirkholme, 574.
—— William, called "of Lockerbie," cautioner, 688.
—— younger of Beirholme, Thomas, 447.
—— of Bewheline, 331.
—— of Brekansyde, Thomas, 399.
—— of Brigmure, William, 7.
—— of Cleuchside, John, 392.
—— sometime of Corheid, Gilbert, 447.
—— of Correlaws, cautioner, 688.
—— of Dunskellie, Sir James, reference to the murder of, 30 n.
—— "callit of Finglen," Thomas, 469.
—— of Howgill, John, and his sons, William, John, Robert, and Gilbert, 140, 142, 159, 574.
—— the late laird of, reference to the petition of the family of, anent the slaughter of, 28, 29, 30 n., 43.
—— the Lady, grandmother of the laird of Johnston, 28.
—— of Kirkhill, Robert, 385.
—— of Kirkholm, William, and George, his son, and Robert and Archibald, his brothers, 391.
—— of Lewquhine, Mr. Robert, 241.
—— of Lockerbie, William, 468, 469.
—— of Lochwood, James, 29, 546.
—— of Racleuch, Robert, tutor to Johnston of Lochwood, 8, 29, 546; justice of the peace, 162, 833.
—— of Roustonfoot, James, 331, 447.
—— of Ryhill, Edward, justice of the peace for Dumfries, 833.
—— of Stephinbigging, James, 385.
—— of Thornik, James, justice of the peace for Annandale, 162.
—— of Undergarth, John, elder, 469.
—— of Wamfray, Robert, and his spouse, 390–3.
—— of Westraw, James, 478.
Jura, Isle of, 763.
Jurors, in the trial of John Ogilvie, with their "Chancellor," 306 n.
Justice, the. *See* Hart.
Justice-Clerk, the. *See* Cockburn of Ormiston.
Justice Courts at Badenoch and Lochaber, 141.
Justices of the Peace. Controversy between the, of Edinburghshire, and of the burgh of Edinburgh, 36–7; statement of the King's advocate in an action at law with reference to the powers of, 129; letter of Council to the, 242; commissions to all the, of all the shires, 241, 271; of Berwickshire, in a Commission for the repair of roads in that shire, 543–4; roll of the justices for Edinburgh, Haddington, Linlithgow, Dumfries, Carrick and Dumbarton, 883. *See* Commissions of the Peace.

Kay (Kae): burgess of Linlithgow, 173.
—— James skipper in Burntisland, 634.
—— John, in Rottounraw, 44.
—— John, burgess of Pittenweem, 642.
—— Thomas, indweller in Edinburgh, 615.
—— William, son of John Kay, in Rottounraw, murder of, on the highway, 44, 68.
Keen (Kein, Kene): James, bailie of Selkirk, 341, 793.
—— James, son of Patrick Kene, at Selkirk, 645.
—— James, son of John Kene, at Selkirk, 645.
—— John, burgess of Selkirk, 645.
—— Patrick, at Selkirk, 645.
—— Thomas, 401.
—— William, at Selkirk, son of John Kene, 645.
Keepers of the Rolls for the several commissions of the peace, 406 n. *See* Weymes of Bogy, Lockhart of Cleghorn, Burnet of Leyis, Hamilton of Innerwick, Seton of Kylesmure.
Keith, James, 321.
—— James, in the Craig of Carvok, 367, 375.
—— James, 592.
—— Robert, younger, burgess of Montrose, 350.
—— Robert and William, sons of Keith of Kindroch, 794.
—— Robert, falconer to Lord Berridaill, 423, 552, 802, 826, 828, 830.
—— William, in Auchanlich, 558.
—— William, brother of Keith of Clakreauch, 587.
—— of Balmure, Sir William, 794, 796.
—— of Clakreauch, George, 587.
—— of Cowtoun, John, justice of the peace, 67, 266.
—— of Harvieston, James, 539.
—— of Kindroch, George, 794.
—— of Kinadie, James, 566; cautioner, 802.
—— of Little Cockla, Nathaniel, 794.
—— of Wodston, George, 539.
—— William, Lord, 508–9, 514, 686.

Keir (Kear): Donald, in Auchindorache, 179.
—— Finla, in Carbonarrach, fined for resetting the Clan Gregor, 101.
—— Lawrence, servitor to James Primrose, 726, 832.
—— Patrick, in Carbonarrach, fined for resetting the Clan Gregor, 102.
—— Walter, baxter of Stirling, imprisoned for refusal to pay a custom, 9, 10, 11.
—— laird of. *See* Stirling of Keir.
Kellie, Thomas, son to Mr. William Kellie, 154.
—— Mr. William, writer to the Signet, 154, 159, 163, 614.
Kelso (burgh), commissions to the magistrates of, 107, 379–80; proclamation at the market cross of, 199; fair of, 378; abbacy of, 5, 18–19.
Keltoun, Robert, in Torthorwaldton, 443.
Kemp, Andro, in Elsik, 511.
—— William, in Dingwall, fined for resetting the Clan Gregor, 54.
Kennedy, Arthur, servitor to John, Earl of Cassillis, 129, 142.
—— Gilbert, in Lonothie, 117.
—— Hew, 351.
—— James, in Maybole, 117.
—— James, 260.
—— James, 514.
—— John, called "Sowple Syd," in Stratoun, charged with the murder of Martin Kennedy, 272.
—— John, servitor to the laird of Culzean, 814.
—— Martin, in Stratoun, murder of, 272.
—— Thomas, "a counterfet and fenyet foole," publicly scourged in Edinburgh, 467–8.
—— Thomas, servant, 799.
—— William, in Maybole, 117.
—— of Balkeny, Quentin, usury case, 411.
—— of Baltersane, John (the late), alleged to have removed the great bell from the Abbey of Croceraguell, and to have left it in the possession of his relict Florence MacDougall, 155.
—— of Bargany, feuds with the Earl of Cassillis, and Kennedy of Culzean, 304–7, 305, 306, 307, 308, 309, 315; feud with Gordon of Lochinvar, 394, 622–3.
—— of Blackhills, Thomas, 410, 661.
—— of Blairquhan, John, 40, 42, 351.
—— of Brokloche, James, 42.
—— of Crago, Alexander, brother of the laird of Culzean, against Barclay, 117, 124; petitions for release from Edinburgh Castle, 814–5.
Kennedy of Crugiltoun, James, 27, 173–4, 407, 490.
—— of Culzean, feud with Kennedy of Bargany, 304–7, 305, 306, 307, 308, 309, 814.
—— of Garrihorne, Hew, 25; cautioner, 309; justice of the peace for Carrick, 833.
—— of Hallathis, Thomas, 139, 142.
—— of Kirkhill, David, act in favour of, in the matter of certain markets held on his property, 167.
—— of Knokda, Fergus, justice of the peace, 204, 619.
—— of Pinquhirrie, Hew, 425.
—— younger, of Polgarnok, David, 425.
Kenny, Mr. Patrick, 352.
Kenoch, a piper, 212.
—— Robert, flesher, 527.
Kenzie, Clan of, xxix. *See* Clans, MacKenzie.
Kepill, Thomas, in Auldhall of Ralstoun, usury case, 411.
Ker, Alexander, appears as procurator, 613.
—— Andro, 212.
—— Andro, witness, 379.
—— Andro, minister at Inverbrochet, 390.
—— Andrew, 515.
—— Andro, son of Sir John Ker of Jedburgh, 636, 643, 644, 651.
—— Andro, in Cavertoun, 643.
—— George, in Linton, charged with murder, 332.
—— George, appears as procurator, 367.
—— James, wobster, burgess of Perth, 50, 65.
—— James, merchant burgess of Edinburgh, cautioner, 159.
—— James, 331.
—— James, in Gymmontie, 469.
—— John, warded in tolbooth of Dysart, 322.
—— Mr. John, in Highriggs, 384.
—— John, at Paisley, 617.
—— John, elder and younger, in Little Datoun, 668.
—— John, "present" possessor of the parsonage of Dalgarno, 680.
—— Ralph, 273.
—— Robert, son of Ker of Priorhall, murder of, 332.
—— Robert, 591.
—— (*or* Carr), Robert, younger son of Ker of Fernihirst. *See* Rochester, Viscount.
—— Thomas, in Gymmontie, 469.
—— Thomas, in Tullibody, 573.
—— Walter, in Dirletoun, 170.
—— Walter, customer, 378, 379.
—— Walter, in Lintoun, 636.
—— William, 90.

Ker, William, second son of Ker of Littledean, 128.
—— William, 163.
—— William, 515.
—— William, son of, Lord Roxburgh, reference in a royal letter to the gift of the Abbacy of Kelso to, by the King, 518, 519; licence to, to travel, 620.
—— of Ancrum, Sir Robert, vii, viii, commander of the King's garrison in the Border Shires, and Captain of the King's Guard in Scotland, vii; is ordered to apprehend offenders, 2, 7, 24, 25, 26, 38, 58, 59, 66, 70, 71, 81, 82, 83, 84, 87, 93, 94, 96, 97, 105, 110, 111, 112, 116, 130, 138, 139, 140, 145, 154, 159, 160, 169, 170, 173, 175; is called to England to attend upon the person of the Prince Charles, and resigns his Scottish posts, 176; is succeeded in these by Ker of Oxenhame, 176, 231; present in Council, 199.
—— of Ancrum, William, commission to, for the apprehension of Robert Douglas, 271.
—— of Bewlie, James, 384.
—— of Cavers, Thomas, justice of the peace for Roxburgh, 162, 163.
—— of Fadounside, Walter, justice of the peace, 647.
—— of Fenton, Andro, arbiter in a dispute, 398–9, 402.
—— of Fernihirst, Sir Andro, father of Robert Ker, Viscount Rochester, vii, feud with the Earl of Angus, 28, 145, 152, 156, 158–9 n.
—— younger of Fernihirst, Andro, feud with the Earl of Angus, 156.
—— of Grange, William, lieutenant of the Border Guard, 395, 399, 402, 427.
—— of Hirsale, Sir John, justice of the peace for Roxburgh, 162.
—— of Jedburgh, Sir John, action against him and his son Andro, for assault on the minister of Morebattle, 636, 643, 644, 651.
—— of Linton, justice of the peace for Roxburgh, 162, 321, 352.
—— of Littledean, Sir John, a vassal of the Earl of Home, act against, for unlawfully assuming the style and title of Lord Jedburgh, lxxxviii–ix, 113, 124–5, 127–9, 135–6, 141, 142, 171, 181; relieved from ward in Edinburgh, 219.
—— of Newton, Robert, cautioner, 384.
—— of Oxenhame, Sir Andrew, vii, viii, xiv, 145, 164; is admitted of the Council, 170, 171; succeeds Ker of Ancrum in the charge of the Border Garrison, 176, 200; is appointed to the Captaincy of the King's Guard, 231; engaged in Shires business, 331, 467; is ordered to apprehend offenders, 176, 177, 194, 197, 209, 271, 274, 292, 332, 345, 348, 349, 356, 357, 359, 361, 365, 366, 367, 370, 372, 383, 384, 385, 386, 390, 392, 396, 399, 400, 404, 404–5, 406, 407, 408, 409, 415, 425, 426, 428, 430, 431, 432, 443, 446, 447, 448, 450, 451, 456, 457, 460, 464, 469, 472, 473, 476, 477, 478, 479, 484, 485, 486, 487, 490, 508, 509, 523, 525, 526, 531, 544, 547, 548, 551, 555, 556, 557, 558, 574, 575–7, 577, 582, 583, 585, 586, 589, 596, 613, 614, 616, 628, 629, 630, 642, 652, 655, 658, 659, 660, 666, 667, 673, 674, 677; signs for Council, 619; present in Council, 171, 172, 174, 175, 180, 181, 200, 203, 204, 206, 207^{2}, 209, 210^{3}, 213, 215, 218, 219, 220, 230, 236, 240, 242^{2}, 243^{2}, 246^{2}, 247, 249^{2}, 251^{2}, 252, 254^{3}, 255, 256, 261^{2}, 267, 286, 287^{3}, 288, 292^{2}, 293^{2}, 294^{2}, 298^{3}, 301^{2}, 303^{2}, 308^{2}, 309, 312, 327, 331, 332 333, 336, 340, 342, 348, 349, 394, 395, 407, 408, 409, 441, 467, 468, 494, 515, 522, 525^{2}, 529, 531, 533, 534, 538, 543, 544, 553, 555, 556^{2}, 560, 561, 565, 566, 582, 583, 588, 592, 595, 638, 639, 655, 658^{2}, 659^{2}, 660, 665, 667, 673.
Ker of Pryorhall, Thomas, father of the late Robert Ker, 332.
—— of Roxburgh, Andro, 379.
—— of Suderlandhill, Thomas, deceased, 508.
—— of Yair, Andro, justice of the peace for Selkirkshire, 73; quarrel with the burgh of Selkirk, 127, 134–5, 142, 332, 341, 352, 399, 420–1.
Kerie, Robert, in Clackmannan, 628.
Kers, laird of. *See* Rhind of Kers.
Kersane, Walter, servitor to Arthur Kennedy, 129–30.
Kersell, John, flesher, 527, 843.
—— William, son of John Kersell, flesher, 843.
Kidland, hunting forbidden within the fells of Cheviot and, 198–9. *See* Cheviot.
Kilbryde, lands and barony of, 276.
Kilburnie, public penance in the kirk of, 367.
—— the laird of. *See* Crawford of Kilburnie.
—— Margaret Blair, Lady, spouse of the above, and mother of Malcolm Crawford, 351, 366, 369, 799.
Kildrymmie, Alexander Lord, son of Lord Elphinstone, 608. *See* Elphinston, Master of.
Kill, Richard, burgess of Edinburgh, 194.
Kilmacolme, public penance in the kirk of, 367.

Kilmanie, Peter, in Over Kellie, 38.
Kilmarnok, lordship and barony of, 276.
Kilmaurs or Kilmaweris, Lord of, William (master of Glencairn), 105, 106; dispute with the younger Douglases of Drumlanrig, 252, 253, 254, 256–7, 257, 258, 300, 446.
Kilnode, the laird of, transported from the Tolbooth to the Castle of Edinburgh, 100.
Kilpatrick, George, 91.
—— William, 552.
Kilrynnie, charge to the burgh of, 192. *See* Stercovius.
Kilspindie, the laird of, justice of the peace for Haddington, 833.
Kilsyth. *See* Livingston of Kilsyth.
Kincaid, a gentleman of the Guard, against Mary Seaton, 584.
—— Clement, in——, 597.
—— Edward, burgess of Edinburgh, and Robert, his brother, 138, 142.
—— Captain George, uncle of Kincaid of that Ilk, 410, 411.
—— John, brother of Kincaid of that Ilk, 410, 411.
—— Robert, town officer of Edinburgh, 597.
—— Thomas, burgess of Glasgow, 410, 411.
—— of that Ilk, Sir James, 351, 410, 455, 472, 473, 484, 841.
Kincardineshire, commissions of the peace for, 67, 266; commissions to the sheriff and depute of, 202–3, 248, 318, 404–5, 539.
Kincraig, the laird of, justice of the peace, 156, 265.
Kinfawnis, the laird of, cautioner for the Earl of Crawford, 174.
King, Mr. Alexander, advocate in Edinburgh, appears as procurator, 164; nominated assessor to a committee of Council, 207; justice of the peace, 406, 692, 699, 727.
—— Mr. Clement, doctor of medicine, prosecuted for reset of Jesuits, 300, 459–60, 470.
—— Hercules, in Coldingham, 81.
—— Mr. James, advocate, appears as procurator, 41, 629, 646, 678–81.
—— Margaret, relict of David Heriot, goldsmith, 547, 552.
—— Matthew, at the Mill of Machernok, tenant of Maxwell of Newark, charged with manslaughter, 457–8, 475, 482–3, 523.
—— Peter, in Arnecreich, 38.
—— Thomas, born in Spott, charged with theft, 401.
King's Rents, the, 95, 232, 516; commissioners of the, xii, 548, 561–2, 676. *See* Livingston of Kilsyth.
King's Works: survey of the Torwood, 533, 549–50; Master of, *see* Murray of Golspendie.
Kinghorn (burgh), the magistrates of, 67, 107; charges to the burgh of, 192, 209, *see* Stercovius; the bailies of, 397, 401; commissioners of the burgh, 193; ward in the Tolbooth of, 397; quarrel concerning rights of way in and near that town, 544–6; ferry of the town of, 544.
—— Patrick Lyon, Earl of, member of the Privy Council, vi, xiv; James Lyon warded in the Tolbooth of Edinburgh for threatening the life of, 237–9; commissions to, 345, 596; justice of the peace, 668; signs for Council, 42, 76, 87, 94, 96, 100, 369; present in Council, 29, 65, 70, 73^2, 75, 78, 81, 85, 87, 91, 93, 96^3, 133, 135, 293^3, 294^2, 295^2 297, 360, 362, 363, 364, 370, 372^2, 414.
—— Dame Annas Murray, Countess of, 238.
Kininmonth, Patrick, Andro, David, and John, sons of Kininmonth of that Ilk, 460.
—— Thomas, keeper and forester of the wood of Innerraritie, 660.
—— of that Ilk, David, and his spouse, Maria Seyton, 460, 470; their sons, Patrick, Andro, David, and John, 584, 592.
Kinkell, laird of, 470.
Kinloch, David, burgess of Edinburgh, fined for assault on board "The Grace of God," 788–9.
—— Doctor, in Dundee, friend of Margaret Baldavie, 38.
—— Patrick, 123.
—— Mr. Peter, writer, 97.
Kinlochie (Kinloquhie) of Kettistoun, Mr. Peter, and Janet Mushet, his spouse, 139, 142.
Kinnaird, laird of. *See* Carnegie of Kinnaird.
—— of Middleton, Patrick, appears as procurator, 616.
Kinnear (Kynnear), James, son of the laird of Kynnear, 644.
—— Nicoll, servitor to Mr. John Hay of Easter Kennett, 40.
—— Thomas, in Kinnear, 644.
—— William, in Reidfurd, 365.
—— of Kinnear, 644, 651.
Kinneil, parish of, 571.
Kinross, commission of the peace for Fife and, 156.
—— Mr. Henry, advocate, 633.
—— of Kippenros, James, commission to, against witches, 329.
Kintail, Lord, deceased, 270.
—— Colin MacKenzie, now Lord, xxix; dispensation to, 270–1, 577.

Kintail, Tutor of, dispensation to the, 270–1. *See* Mackenzie of Cogach.
Kintyre, the duties of, and the Earl of Argyle, 43; invaded by Sir James Macdonald and his followers, and the first scene of the Earl of Argyle's operations for the suppression of the Macdonald Rebellion, xlix-lii, 758; Sir James Macdonald sends some of the MacAllasters and MacKyes, his followers, back from Ireland to, 765.
—— the Earl of Argyle, and Campbell of Cadell in the country of, liii.
Kinzeane, William, 356.
Kirk, Adam, 651.
—— Mr. James, xxiii; commission of justiciary to, against the resetters of Clan Gregor within Argyle and Tarbet, 171.
—— John, in Logie, 180.
—— John and George, sons of John Kirk in Logie, prosecuted for witchcraft and conspiracy to poison, 180.
—— Robert, in Cotertoun of Logie, 94.
Kirkcaldy (burgh), 147, 514; charges to the burgh of, 192–3, 209. *See* Stercovius; ward in the Tolbooth of, 147; commissioners of, 193.
—— James, 545.
—— John, bailie of Kinghorn, 67, 510.
—— John, burgess of Kinghorn, 510, 544.
—— Patrick, 545.
Kirkcudbright (burgh), 292; licence to the, for an impost for support of their harbour, 363, 375, 617; steward of, and his deputy, commission to the, 210, 231, 292, 327, 396.
Kirkliston, parish of, 570.
Kirkmichael, barony of, 614.
—— town and lands of, 629.
Kirko, Adam, and his sister, in Chapell, 478.
—— Masie, sister of Adam Kirko, and owner of the Mill of Glenesland, 478.
Kirkpatrick, Andro, in Wood or in Glennae, 614.
—— George and James, sons of Sir Thomas Kirkpatrick of Cloisburne, 88.
—— George and John, 124.
—— Isabel, at Dumfries, spouse of Carlile, 635.
—— John, 142.
—— John, son of Kirkpatrick of Kirkmichael, 369.
—— John, customs officer at Dumfries, 649.
—— Robert, servitor to the Countess of Wigton, cautioner, 688.
—— Roger, in Glenerwood, cautioner, 585.
—— Thomas, son and heir-apparent of Kirkpatrick of Closeburn, arbitration case, 679–81.
Kirkpatrick of Auchinlek, Mr. Samuel, commission of the peace for Dumfriesshire to, 73.
Kirkpatrick of Cloisburn, Sir Thomas, 8, 19; justice of the peace for Dumfriesshire, 73, 88; quarrel with his son, 606–7; submits the quarrel to arbitration, 646, 678–81.
—— of Freircarse, John, action against, by Margaret Donaldson, 138.
—— of Kirkmichael, Sir Alexander, 369, 585, 614, 629.
—— younger of Kirkmichael, William, 533.
Kirks. *See* Churches.
Kirktoun, the laird of, justice of the peace, 156, 265.
Kirkwall (burgh), kirk of, 289, 290, 297 n.; proclamation at the market-cross of, 449; siege of the castle of, by the Earl of Caithness, lxvii, 274–5 n., 276–7, 288, 289–91, 295, 295–6, 297 n., 319, 322–3, 344. *See* Caithness.
Kirkwood, Andro, burgess of Stirling, 400, 402, 589, 592.
—— Robert, writer to the signet, 431, 511.
Kirlie, Cuthbert, in Paisley, 617.
Knapdale, in Argyleshire, l; the place, at the Castle of Soverne (Swein?), appointed for the muster of the Earl of Argyle's forces on Sept. 2nd 1615, 746, 748.
Kneland of Forskane, John, justice of the peace, 211.
—— of Monkland, Sir James, justice of the peace, 211.
Knowis (Knowles), "porkman" at Mariculter, 173.
—— George, burgess of Aberdeen, quarrel with the magistrates of Dunbar and North Berwick, 23, 24.
—— James, in the Coithill of Mariculter, 173.
—— William, girsman to the vicar of Mariculter, 173.
Knox, Andrew, Bishop of the Isles, also of Raphoe, in Ireland. *See* Isles, Bishop of the.
—— John, provost of St. Andrews, prosecuted for refusing to compel certain tradesman of St. Andrews to undertake the King's repairs at Holyrood-house, 607, 621.
—— Robert, exhibited before the Council and warded in the tolbooth of Edinburgh, 253.
—— Mr. Thomas, son of the Bishop of the Isles, xxxix, xli; left by him as hostage in Dunivaig Castle, 280 n., 719.
—— Walter, in Blairquhoch, 585.
—— of Rumpherlie or Ranfurlie, nephew of the Bishop of the Isles, xxxix, xli; kept as a hostage by the rebels in Islay, 280 n., 719.
—— of Silvieland, William, 457.

Kyle, bailiary of, commission of the peace for, 204.
Kynman of Hill, William, cautioner for the Earl of Errol, 35–6, 164, 165.
Kynoch, Duncan, in Dalcroun, fined 100 merks, and his son, Donald, 20 merks, for resetting the Clan Gregor.

Lachreis, George, in the Canongate, servitor to George Storie, 456, 470.
Lag, laird of, interim sheriff of Dumfries, 389; justice of the peace for Dumfries, 833.
Lagan, William, at Stradowne, 131.
Laing, Alexander, late servant to the Earl of Orkney, executed for treason, lxv, 297 n.
—— John, in Luss, fined 80 merks for resetting the Clan Gregor, 226.
—— John, 259.
—— John, 352.
—— John, messenger, 615.
—— John, at Paisley, 617.
—— Margaret, collier in Eisthouses, 390.
—— Rossie, mother of Margaret Johnstoun, 648, 651.
—— Thomas, indweller in Kirkwall, executed for treason, lxv, 281, 297 n.
—— Umphra, cordinair at Luss, fined 10 merks for resetting the Clan Gregor, 226.
Laird, Alexander, in Boghall, 618.
Lairs, the laird of, 331.
Lakope, Robert, a beggar, murdered at Linlithgow, 388.
Lamb, Andrew, Bishop of Brechin. *See* Brechin, Bishop of.
—— Archibald, in Clackmannan, 628.
—— Thomas, messenger, 154, 163, 452–3, 470.
Lambert, Sir Owen, in command of the Irish contingent in the expedition against the Western Isles, xli.
Lambeth, Chapel of: the Marquis of Huntly receives absolution there from the Archbishop of Canterbury, 562 n.
Lambs. *See* Cattle.
Lamington, the laird of, 419.
Lamond, the laird of, 763.
Lanark (burgh), charge to the, 192. (*See* Stercovius).
—— (shire), the justices of the peace for, 398; sheriffs of, 388; commission of the peace for, 266.
Landlords and tenants, 78.
Lang, John, in Luss, 178.
—— John, in Porte, 178.
—— Patrick, in Luss (umquhile), 177.
Lang, Umphra, son to umquhile Patrik Lang, in Luss, and kinsman of Colquhoun of Luss, against the Earl of Argyle, 177.
Langmure, Alexander, in Tounhead, 787.
Lapslie, Matthew, in Hoill of Braid Gait, 585.
Lany, Alexander, ostler in Tynnes, fined for resetting the Clan Gregor, 102.
—— John, in Monwrachie, fined for the same, 101.
—— John, in Drumleane, fined for the same, 102.
—— Robert and Patrick, in Lanye, fined for the same, 104.
Largie, laird of, 758, 763.
Largo, barony of, 135.
Lauder (burgh), charge to the burgh of, 192–3 (*see* Stercovius); commissioners of, 193; bailies and magistrates of, 486, 490; ward in the Tolbooth of, 486, 539; case of assault at, 785–6.
—— Alexander, 259.
—— Mr. Alexander, 261.
—— Andro, in Melville Mill, 523.
—— Gilbert, 490.
—— (Lawder), Henry, bailie of North Berwick, 24.
—— (Lawder), Henry, bailie of Dunbar, 24.
—— Mr. James, chanter of Ross, 772.
—— John, servitor to Sinclair of Blans, 444.
—— Richard, warded in the Tolbooth of Edinburgh, 492.
—— (Lawder), Robert, procurator, 112.
—— (Lawder), William, in Belhaven, 400, 401.
—— William, commissioner for the burgh of Dunbar, 572.
—— elder of Haltoun, Alexander, cautioner, 349, 359, 375; justice of the peace, 406.
—— fiar of Haltoun, Alexander, licensed to travel, 637.
Lauderdale (burgh), the bailie principal and his deputies of, 112, 539; clerk of the bailiary of, 428.
—— John Maitland, 2nd Lord Thirlstane, created Viscount, lxxxviii, 513–14.
Lauriston, James, appears as procurator, 359.
—— laird of, justice of peace in Kincardineshire, 67, 212.
Law, Andro, bailie of Falkland, 478.
—— James, bishop of Orkney, and afterwards Archbishop of Glasgow. *See* Orkney, Bishop of; *also* Glasgow, Archbishop of.
—— John (late), 38.
—— William, tenant of Cluny, 803.
Lawers, the laird of. *See* Campbell.

Lawrie, John, merchant burgess of Edinburgh, 159; cautioner, 688.
—— Thomas, appears as procurator, 138.
Lawson, Colin, at the Mill of Ballicastle, 820.
—— James, in Castlemilk, tenant and servant to Lady Castlemilk, 7.
—— John, commissioner for the burgh of Glasgow, 572.
—— Richard, bookseller in Edinburgh, 252.
—— Richard, in Humbie, 487, 490.
—— Thomas, in Hewchheid, within the bailiary of Lauderdale, 539.
—— Sir Wilfred, knight, one of the Commissioners for the English Middle Shires, 812.
—— of Boghall, Sir William, 367, 375, 426.
—— of Carnemure, James, arbiter in a dispute, 398–9, 402; justice of the peace in Peeblesshire, 72.
Lawtie, Adam, public notary, 355.
—— Mr. James, advocate, 296.
Laycock, James and John, fleshers in Leith, 527.
Layis, the laird of, 511.
Lead, contract for 2000 stone of, to be used for repairs at Edinburgh Castle, 328; contract with an Aberdeen plumber for, with price of work per stone, 612.
Learmonth, Leirmonth : John, 106–7, 123.
—— Patrick, citizen of St. Andrews, and his son John, 82, 91.
—— Mr. Robert, resigns the office of sheriff-depute of the sheriffdom of Edinburgh, 30.
—— Mr. Robert, advocate, 523.
—— of Balcomie, Sir John, justice of the peace, 156, 265, 625.
Leask, Alexander, in Belshamphie, 365–6, 375, 379.
—— George, 470.
—— Mr. James, formerly minister of Cushney, 87.
—— William, eldest son of Leask of that Ilk, 587.
—— of that Ilk, William, 585, 587, 592.
Lefthous, John, in Lindem, 508.
Leggatt, Alexander, one of the Kirkwall rebels in the tolbooth of Edinburgh, 281.
Leifnoreis, laird of. *See* Crawford of Leifnoreis, George.
Leitch, Alexander, in Dalkeith, fined 50 merks for resetting the Clan Gregor, 228.
—— Andro, in Auldcraig, 801.
—— David in Balmadinthy, 794.
—— Donald and Robert in Inverroulas, 178.
—— Duncan and Donald, fined 50 merks for resetting the Clan Gregor, 148.
Leitch, John, at Paisley, 617.
—— John, in Culkippen, fined £80 for resetting the Clan Gregor, 225.
—— of Culkippen, John, 178.
Leith, burgh and port of: royal grant for the building of a hospital in, 21; the bailies of, 119, 260; act anent the allocation to be made of the profits arising from an impost of the wines in, granted to the burgh of Edinburgh, with provision that the same be applied for purposes beneficial to, 21–2; suit of the Earl of Errol and a number of others, for redress of a grievance impeding their commerce in meal into the port of, 118–19; proclamation to be made at the pier and shore of, respecting the pursuit of certain pirates by two of the King's ships, 235–6; order for the arrest and search of a ship bound from, for Orkney, 698; inventory made at, of ordnance to be sent to Orkney, 713; illegal export of skins from, 356 ; ward in the tolbooth of, 392; Court of Admiralty held in the tolbooth of, 597; complaint by the skippers of, against the bailies of, 415–19; the "tymmer hoiff" of, 453; an unauthorised and malicious performance of the ceremonial of horning upon the shore of, 453–4; golf played upon the links of, 455; quarrel in, between Sir William Balfour and Captain Alexander Wishart, 476–7.
—— Mr. George, murdered in 1608, son of Leith of Harthill, 386–8, 603, 800.
—— George, son of the late Mr. George Leith, 386.
—— Helen, relict of the late Mr. George Leith, 386, 800.
—— Issobell, heretrix of the lands of Edingerak, 267.
—— John, 515.
—— of Harthill, John, father of the late Mr. George Leith, 294, 386, 395, 401, 800.
—— apparent of Harthill, John, 602–3, 603, 645, 646, 651, 801.
—— of Newlands, Mr. William, tutor to the late Mr. George Leith, 386, 800.
Lekky, William, servitor to Lord Gray, 831.
Lenhope, Robert, skipper in Leith, 707–8.
Lenkop, John, skipper in Leith, 415.
Lennox, James, messenger at St. Ninian's Kirk, 388, 400.
—— John, in Innerlane, 178.
—— John, messenger, 573.
—— of Woodhead, John, bailie to Livingston of Kilsyth, on the lands of Campsie, 242.
—— of Woodhead, James, 526, 552.

Lennox, Esmé, the late Duke of, 440 n.
—— the late Duchess of, sister of the Earl of Loudoun, 521.
—— Lodovic, now Duke of, xvi, 440 n. ; High Chamberlain of Scotland, 46–7; surrenders the sheriffship of Edinburgh to the King, 20; petitions for a commission to lift the assize herring in the North Isles, 231; claims the Admiralty of Orkney and Shetland, 231–2, 521, 597–8, 637; present in Council, 592, 595.
Lent, observance of. *See* Church and Religion.
Lentrone, Thomas, bailie of St. Andrews, 83; commissioner for the burgh of St. Andrews, 506.
Leriche, Robert, in Preishilloch, 178.
Leslie, Agnes, daughter of Margaret Hamilton, and spouse of Robert Bennet, 586–7, 592.
—— Alexander, 401.
—— Andro, in Brigend, 386.
—— Andro, at Crimont, 395, 800.
—— George, 260.
—— Gilbert, at Aberdeen, 800.
—— John, 212.
—— John, 260.
—— John, in Dornoch, 386.
—— John, son of Leslie, sometime of Sandstoun, 801.
—— John, in the Inmure of Dunbaith, 823.
—— Normand, brother of the laird of Wardes, 109–10, 603, 645–6, 807.
——Normond, brother of Leslie of Ryhill, 800.
—— Patrick and Barthill, in Chapeltoun of Leslie, 386.
—— Patrick, in Buchanstoun, 801.
—— William, servitor of the laird of Ruthven, 117.
—— William, in Tocher, 386.
—— William, at the Mill of Buchanstoun, 387.
—— William, brother of Leslie of Wardes, 646.
—— of Auchorsk, Alexander, 395, 800.
—— of Auldcraig, at Pitcaple, George, 387, 395, 603, 800.
—— of Boquhen, John elder, 386.
—— fiar of Boquhen, John, 386, 800.
—— of Crechie, George, 259.
—— of Kincragie, George, 498.
—— of Newton, Mr. John, 345–6, 352, 413, 419.
—— of Otterstone, David, justice of the peace for Fife and Kinross, 156.
—— of Pitcaple, John, 800.
—— of Ryhill, William, 800.
Leslie, sometime of Sandstoun, Normand, 801.
—— of Toldauff, George, 508.
—— of Wardes, John, nephew of Leslie of Crechie, 259, 386, 602–3, 603, 604, 645–6, 646, 651, 800, 812.
—— of Waterston, David, justice of the peace in Fife and Kinross, 265.
Lesmoir, the laird of, 89.
Lewis, the : xxix; Neill Macleod and other fugitives from, harboured by men of Uist and Barra, 3–4; commission to the Tutor of Kintail and others for service against the Lewis in June 1613, 692, 817; renewed action against, in June 1614, 697; mines in, 525; new rebellion in August 1616, under Malcolm Macleod, and renewed commission to the Tutor of Kintail and other Mackenzies for reducing, to obedience, 609–11; piracy and murder on the coasts of, 634. *See* Highlands and Isles.
Leyis, William, burgess of Edinburgh, 426.
—— laird of, justice of the peace in Kincardineshire, 67, 660.
Libel, case of, 261.
Lichtoun, James, servant to Alexander Mylne, 173.
Liddell, Andro, John, and David, in Finnach Hauch, 585.
—— James, 234.
—— John, servitor to the bailie of Selkirk, 578.
Lidderdale, James, 259.
—— Robert, in Hawick, 434.
Liddesdale, hunting in, forbidden, 198–9.
Lie, laird of, 553.
Lillie, John, flesher, 527.
—— Jonet, spouse of Touris of Pitlochie, 511.
—— William, flesher in Kirkcaldy, and his two servitors, Thomson and Coupair, 512, 515.
—— William, burgess of Kirkcaldy, cautioner, 512, 515.
Lindoris, Patrick, Lord, 529, 604, 646, 646–7.
Lindsay, a tinker, 322.
—— Alexander, Bishop of Dunkeld, 44 n. *See* Dunkeld, Bishop of.
—— Alexander, son of George Lindsay, 403.
—— Alexander, merchant burgess of Edinburgh, deceased, 666.
—— Bernard, in Leith, servitor of the King, reference to the grant made to him of an impost on wines, 21, 374 ; in the King's service at the roup of the Customs, 620.
—— David, Bishop of Ross. *See* Ross, Bishop of.

Lindsay, David, 375.
—— David, "ane depryvit messenger," 453.
—— David, 553.
—— Elspeth, "oy" (grandchild) to Archibald Miller, in Kirktoun of Douglas, and daughter of the late John Lindsay in Corsrig, 525, 551.
—— George, father of Alexander Lindsay, 403.
—— Harry, father's brother to Lindsay of Vane, 403.
—— Hew, brother of Lindsay of Fairgirth, 654.
—— James, John, William, and Robert, sons of Lindsay of Fairgirth, 26, 292, 639, 654.
—— James, son of Lindsay of Glenstokan, 292.
—— James, son of Lindsay of Auchinskeoch, 639, 654.
——John, in Auchinskeoch, 26.
—— John, in Corsrig, 525.
—— John, James, and Archibald, or (Achilles), sons of James Lindsay, and grandsons of Lindsay of Auchinskeoch, 639, 654.
—— Patrick, minister of St. Vigeans, in Angus, appointed Bishop of Ross, in succession to his father David Lindsay, 382 n. *See* Ross, Bishop of.
—— Mr. Patrick, advocate, 389, 403–4.
—— Thomas, merchant burgess of Edinburgh, 7, 19, 384.
—— Thomas, at Dumfries, 635.
—— William, servitor to the Earl of Mar, 633.
—— William, messenger, 642.
—— of Auchinskeoch, John, 639, 654.
—— of Auchnadie, cautioner for the Earl of Crawford, 551.
—— of Balcarres, David, justice of the peace, 156, 265.
—— of Barneyairdis, Patrick, 367.
—— of Blairfadden, Harry, 577.
—— of Byres, Robert, Lord, member of Privy Council, x; commissions of the peace to, 156, 265; appointed a Commissioner in the Court of High Commission, 437 n.; admitted of the Council, 485 and 485 n., 840; his death in July 1616, 485 n.; present in Council, 485^2.
—— of Canterland, Mr. Alexander, 511.
—— of Carreston, Sir Harry, 212, 260, 300, 356, 375, 414, 446, 822.
—— of Covintoun, John, justice of the peace, 211, 266.
—— of Dunrod, Alexander, justice of the peace, 211, 266, 484.
Lindsay of Fairgirth, James, 18, 26, 292, 639, 654.
—— of Glenstokan, James, 292.
—— of Killoch, Mr. John, justice of the peace for Perthshire, 168.
—— of Kinfauns, Sir Harrie, 171.
—— of Kingissait, John, 177.
—— fiar of Kynnetles, David, 48.
—— of Mount, Sir David, justice of the peace, 156, 265.
—— of Vane, Alexander, 389, 403–4.
Linen yarn, export of, 439; linen and woollen sheeting and napery used in a house at Findhorn, 443.
Linlithgow (burgh), 99; the magistrates of, 123, 814, 99, 113, 338; commissioners of the burgh, 193; charge to the burgh, 192–3, *see* Stercovius; the Royal Commissioners appointed to survey the collieries on the Forth are convened at, 372; palace of, 459, 832; parish of, 571; High Street of, 644.
—— (shire), discharge of the sheriffs-depute of, 20; appointment of sheriff-principal of, 42, 162, 215, *see* Dundas of that Ilk; commission of justiciary to the sheriff and his deputes, 292; interim sheriff-ship of, 389; the sheriff of, ordered to attend the Earl of Orkney from Falkirk to Edinburgh, 274; commission of the peace for, 401, 833; act for enlarging and repairing roads in, 570–72.
—— Alexander Livingston, first Earl of, member of Privy Council, vi, xiv, xxi; commissions to, 57, 291, 372, 382, 534, 539; exhibits the sons of Patrick Aldoch, 89, 220; and certain Livingstones, 105; in a crown suit as one of the landlords of MacGregor lands, 114, 133; commission of the peace to, 401; 510, 515, 521, 570, 571, 607–8, 616, 815; signs for Council, 42, 51, 59, 60, 76, 107, 113, 119, 242, 265, 292, 332, 345, 369, 492, 524, 539, 829; present in Council, 11, 18, 20, 23, 29, 37, 44, 48, 55, 58, 62, 63, 65, 91, 93, 105^2, 113, 115, 241, 242^2, 243, 256, 292, 331, 332, 333, 340, 341, 348, 362, 363, 364, 369, 381, 383, 490, 502^2, 507, 515, 522, 525^2, 529, 531^2, 533, 534, 538, 613, 619, 655^2, 658^2, 659^2.
Lint, impost on, granted to St. Andrews, 86.
Linton and Blindley, submission of feud, 315, 318, 340.
—— William, in Newtoun of Sheriffhall, 426.
——Mr. James, servitor to Lord Binning, 780.
Litster, Jonet, spouse of John Chancellor,

gardener in Innerwick, tried for witchcraft, 4–5.
Little, James, servitor to William Sinclair, 443.
—— Edward, servitor of Robert Somervell, 116, 124.
Littlejohn, George, missive of Council to the Deputy of Ireland in favour of, 51.
Liturgy, a new, proposed by the General Assembly of 1616, 598–601 n.
Livingston, parish of, 571.
—— precognition against Haddan and, 142.
—— Alexander, 321.
—— Mr. Alexander, advocate, cautioner, 166, 677, 687.
—— Allaster, in Torrichrombie, murder of, 424.
—— David, son of Livingston of Donypace, 106, 123.
—— David, brother of Livingston of Preston, 111, 123.
—— David, apparent of Donypace, 168.
—— Duncan, Patrick, and Allaster, sons to umquhile Patrick Aldoche, day fixed for their presentation to Council, 105.
—— Mr. Harry, minister at St. Ninians, Stirling, 815.
—— Henry, brother of Livingstone of Wester Greenyards, 633.
—— John, son to umquhile John MacGregor in Glenogle, 105.
—— John, 163.
—— Patrick, Duncan and Donald, brothers of the late Allaster Livingston in Torrichrombie, 424.
—— Robert, son of Livingston of West Quarter, 76.
—— Mr. William, appears as procurator, 472.
—— Mr. William, one of the sheriffs of Orkney and Shetland, and admiral-depute of the same, 842.
—— of Bandoran, John, cautioner, 170–1, 220, 426.
—— of Dalders, Patrick, 677, 687.
—— of Donypace, John, 106; justice of the peace, 266.
—— apparent of Donipace, David, 659.
—— of Durnechester, knight, 242.
—— of Easter Fawside, John, 146.
—— of Hanyng, Alexander, 58.
—— of Kilsyth, Sir William, member of Privy Council, vi, xii, xiii; appointed to the office of vice-chamberlain of Scotland, 46–7; called vice-chamberlain in sederunts, 55, 61, 62, 63, 81; appointed, with Lord Blantyre, to arrange the quarrel between the Lords of Scone and Burley, 73, 76–7; deputed to report in the matter of a quarrel between the magistrates of Selkirk and Ker of Yair, 127; commissions to, 195–7, 285, 291, 372, 382, 473, 482, 534; in a committee of Council, 207; commissions to, against John Ogilvie, 304 n., and against Mr. James Moffat and others, 336–7; acts as arbiter in disputes, 411, 608; appointed a commissioner in the New Court of High Commission, 437 n.; one of the commissioners for surveying the Torwood, 549–50; a commissioner of the King's rents in place of President Preston, deceased, 561–2, 676; commission of justiciary to, in the north, 591; royal letter to, 745; signs for Council, 404, 405, 446, 465, 475, 477, 584, 618, 757; present in Council, 1[2], 5[2], 6, 11, 18, 44, 48, 55, 58, 61, 62, 63, 65, 70, 73[2], 75, 78, 81, 85[2], 87, 89, 91, 93, 96[3], 99, 100, 105[2], 107, 108, 109, 112, 113, 115, 133, 135, 144, 163, 164, 165, 166, 167, 168, 169, 170[4], 171, 172, 174, 175, 180, 182, 197, 198, 199, 200, 201, 203[2], 204, 205, 206[2], 207[2], 209, 210[3], 213, 215, 218, 219, 220, 230, 236, 240[2], 241, 242[3], 243[2], 246[2], 247, 249[2], 251[2], 252, 254[3], 255, 256, 267, 281, 283, 284[3], 286, 287[3], 288, 292[2], 294[2], 295[2], 298[3], 299, 300[2], 301, 302, 303[2], 304[2], 308[2], 309[2], 310, 312, 316, 318, 323, 331, 332, 333, 336, 340, 342, 348, 349, 350, 352, 354, 355, 358, 359, 360, 362, 363, 364, 370, 372[2], 376, 381[2], 383, 389, 402, 403, 405, 406, 407[2], 408, 409, 412, 413, 414, 419, 420[2], 423, 425, 429, 430, 431, 436, 440, 441, 445, 446[2] 448, 449, 450, 451, 452, 455[2], 456[2], 458[2], 459, 460[2], 464[2], 466, 467, 468, 470, 472, 474[2], 475, 476, 477, 478, 479, 483[2], 485[2], 488, 490, 502[2], 507, 525[2], 529, 531[2], 533, 534, 538, 540, 541, 543, 544, 547, 548, 550 553, 555, 556[2], 560, 561, 565, 566, 573 574, 575, 577, 580[2], 581, 582, 583, 584, 585, 588, 592, 595, 602, 604, 613, 619, 620, 638, 639, 652, 655[2], 658[2], 659[2], 660[2], 665, 667, 669, 673, 674, 677[2], 746, 762.
Livingston of Kirkland, Alexander, 113.
—— of Little Fawsyde, John, 160.
—— of Preston, John, 111, 146.
—— fiar of Saltcoats, Mr. Patrick, now spouse of Marie Aldinstoun, 160.
—— of Wester Greenyards, Mr. William, 633.
—— younger, apparent of Wester Greenyards, Robert, cautioner, 168, 633.
—— of West Quarter, Alexander, 76, 424.

Livingston, the Lord, son of the Earl of Linlithgow, 169, 362, 371, 424, 570, 608, 650, 832.
Lochaber, rebellion in the country of, 188, *see* Cameron of Locheil; pursuit of Sir James Macdonald in the country of, 330 n., 346, 513, 577, 720; MacRannald and his sons in, liii.
Locharbie, Katherine, at Querrilwood, 613.
Lochbuy, laird of, one of the Chiefs of the Isles, 346, 575, 579, 588, 626, 738, 739.
Lochgorme, fortress of, delivered up to the Earl of Argyle, 759.
Lochinvar, laird of, cautioner for William Douglas, 211.
Lochinyell, the laird of, commission to, against Sir James Macdonald, 380, 762.
Lochmaben, market-cross of, 199.
Lochnoreis, the laird of, 315, 361.
Lochs: Kilkerran, on the West Coast, 759; Lochchennart on the coast of Lewis, 634; of Montrose, that part of the loch which belongs heritably to the burgh of Montorse, 161; Loch Rian in Galloway, 394.
Lochwood, lands and barony of, 522.
Lockhart, George, son of Lockhart of Glenyards, 642, 651.
—— George, in the Canongate, deceased, 816.
—— of Bar, John, justice of the peace, 204.
—— of Bradshaw, Mr. Alexander, 586, 592.
—— of Cleghorn, Allan, and Grissell Bannatyne, his spouse, 138, 142, justice of the peace for Lanarkshire, 211, 266, 354, 357, 374.
—— fiar of Cleghorn, Alexander, 7, 197.
—— of Glenyards, William, 642.
—— of Lee, James, 527–8, 552, 667, 668.
Loddrumes, or Ladomeis, the, a place of harbourage in Islay, 764, 759.
Logan, Alexander, son of the late Logan of Restalrig, 642.
—— David, writer, deceased, 400, 614.
—— George, skipper in Leith, 415.
—— John, stabler, burgess of Edinburgh, 583, 592.
—— W., the clerk of the Canongate, 481.
—— William, at Morebattle, 643.
—— of Bonyton, George, 49; cautioner for the Countess of Atholl, 274.
—— of Coitfield, Andro, 398, 402.
—— of Coitfield, John, 167.
—— of Pittarthie, Andro, cautioner, 146.
—— of Restalrig, Robert, deceased, 415, 642, 643 n.
Logan, portioner of Restalrig, John, prosecuted for popish practices, xcix, 126, 126–7 n., 169.
Logie, Andro, in Loak, 84.
—— George, bailie of the Queensferry, 335, 388.
—— James, indweller in Edinburgh, acts as agent for the Captain of Clanranald and for Donald Gorme of Sleat, 574, 654, 692, 699, 730, 772, 808.
—— Robert, indweller at the Queensferry, commission of justiciary to, 335.
—— William, in Loak, 84.
—— the laird of, called "the goodman of Logie," brother of Gilbert Wischart, 177, 677, *see also* Wishart.
Lomond, laird of, 748.
London, a citizen of London brings an action for debt against Walter Miller in Glasgow, 8, 19; staple house to be established in, 542, 574.
Lorimer, Patrick, one of the ordinary officers of the burgh of Anstruther, 350.
Lorne, Lord. *See* Argyle.
Lothian, east and west countries of; victuals bought into, 10; appointment of sheriff-principal of, 42.
Lothian, Robert Ker, second Earl of, member of Privy Council, vi, xiii, 4, 108, 119; commissions of the peace to, 204, 406; appointed assessor to the magistrates of Glasgow, in the trial of Ogilvie, 305 n.; appointed to be keeper of the wild-fowl and other game round Edinburgh, 473; takes part in the repair of roads in East Lothian, 549; 596, acts as arbiter, 646, 678–81; royal letter to, 745; signs for Council, 4, 5, 51, 59, 76, 96, 108, 152, 209, 242, 246, 248, 249, 255, 270, 271, 286, 292, 329, 393, 399, 414, 423, 472, 524, 539, 666, 667, 757; present in Council, 1^{2}, 5, 6, 29, 37, 44, 48, 70, 73, 75, 81, 87, 96^{2}, 99, 100, 107, 112, 113, 115, 124, 127, 144, 166, 169, 170, 183, 184, 197, 198, 201, 206, 207, 209, 210^{2}, 219, 232, 236, 242, 243^{2}, 246, 247, 249^{2}, 250, 251, 254^{2}, 255, 262, 267, 281, 284, 286, 287^{2}, 288, 292^{2}, 293^{2}, 294^{2}, 295, 297, 298^{5}, 299, 300, 301, 302^{2}, 303, 309, 311, 316, 323, 327, 330, 331, 332, 333, 336, 340, 348, 349, 354, 355, 357, 359, 360, 364, 369, 372^{2}, 381^{2}, 383, 389, 394, 395, 412, 413, 414, 420^{2}, 423, 431, 446, 456^{2}, 458, 459, 460, 466, 467, 468, 470, 472^{3}, 502^{2}, 507, 515, 522, 529, 531, 533, 534, 538, 543, 544, 547, 584, 585, 592, 595, 638, 639, 667, 674, 677, 746, 762.
Lothian, the Lady, wife of the Earl, 549.
Love, James, 212.

Low Countries; military service by Scotchmen in the, 476.
Low, Mr. George, servitor to Thomas Grey, 811.
—— Issobell, daughter of John Low in Garntullie, 220.
—— James, brother of the same, 220.
—— John, in Garntullie, murdered, 220.
—— Thomas, 212.
Lowdoun, Hew, Lord of, commission to, 195–7, 515, 521; justice of the peace, 619.
Lowrie, James, in Muirtoun, 586.
—— John, elder, merchant burgess of Edinburgh, 81, 91.
—— John, 163.
—— John, flesher, 527.
—— Robert, tailor, burgess of Edinburgh, 138, 142.
—— Stevin, bailie of Dumfries, 653.
—— Thomas, in Querrelwood, 613.
Leyton, the laird of, 489; justice of the peace for Edinburgh, 833.
Luke, Duncan, in Little Dalganros, fined 100 merks for resetting the Clan Gregor, 229.
Lulworth, in England, royal letters and warrants dated at, 381, 755.
Lumsden, Mr. Charles, minister at Duddingston, 829.
—— of Cushney, John, 87.
Lundie, Elizabeth, mother of Andro Wood, apparent of Largo, 6, 27.
—— Sir James, uncle of the laird of Lundie, 94, 123, 260, 609, 659.
—— James, at Balcormo Mill, 609, 659.
—— John, sometime in Abirnie, and now indweller in Montrose, 457, 470.
—— John and James, at Kinghorn, 545.
—— of Balgonie, Robert, 345–6, 352, 657–8, 659.
—— of that Ilk, 609, 659.
Luss, the laird of, justice of the peace for Dumbarton, 833.
Lyell, Alexander, in Over Kellie, 38.
—— (*or* Lyle), Frances, chirurgeon in Haddington, 267, 269.
—— younger of Stenepath, George, 547, 552.
—— James, in Blarifeddane, 447–8.
—— John, mariner of Leith, 434, 444, 445.
—— Marjory, warded in Jedburgh on suspicion of witchcraft, 29.
Lygett, William, in Burnebank, 586.
Lynn, Fergus, 261.
Lyon, Bessie and Elspeth, at Dundee, 565.
—— Elizabeth, Lady Grange, 145.
—— Isobel, relict of Blair, maltman in Dundee, 565, 591.
Lyon, James, natural son of the late Sir Thomas Lyon of Auldbar, warded in the Tolbooth of Edinburgh, for threatening the life of the Earl of Kinghorn, 237–9.
—— John, 90.
—— John, 331.
—— John, maltman in Dundee, 565, 591.
—— Marion, relict of Cunningham of Aikinbar, 792.
—— Thomas, brother of Lyon of Bagillie, 206.
—— Thomas, brother of Lyon of Auldbar, 386.
—— William, servitor to the Earl of Craufurd, 177.
—— of Auldbar, Sir Thomas, deceased, 237.
—— of Auldbar, John, warded in the Castle of Edinburgh, 39, 70, 201, 204, 386.
—— of Bagillie, David, 206, 238, 239.
—— (Lwn), portioner of Murstoun, Robert, 475.
—— of Murthill, Thomas, 367, 375, 414.

MacAchane *alias* MacAllaster, Angus, one of the rebels in possession of Dunivaig, 721.
MacAcharmich, Isle of, 758.
MacAdam, John, in Bellich, fined for resetting the Clan Gregor, 102.
—— John Moir, in Rathiemurchus, fined for the same, 120.
—— John, burgess of Edinburgh, cautioner, 154.
—— John, in St. John's Clachan, 476, 489.
—— Duncan, younger, in Cullongartane, fined for resetting the Clan Gregor, 103.
—— Walter, in Gartmusk, fined £4 for the same, 226.
—— of Prenik, John, cautioner, 400.
MacAgawne, John Moir, in Inveruglas, fined for resetting the Clan Gregor, 54.
—— (Agowne), John Reoch, in Auchlelquy, 309.
MacAlexander, Thomas, tried for the murder of the Tutor of Cassillis, 809.
MacAllan, ——, eldest lawful son of the Captain of Clanranald, assists Sir James MacDonald of Islay in his escape from Edinburgh Castle, 330, 330 n., 734, 735.
—— (Roy), Alexander, in Knoydart, brother of Angus MacAllan Roy, in Crobling, 60, 208–9.
—— (VicAllaster), Alexander, at Vaternis in Harris, 634.
—— (MacEane), Angus, in Uist, 5.
—— (Roy), Angus, in Crobling, 60, 208–9.
—— (VicEanduy), Ean Dow, Donald Dow

and Gillespik, in——,associates of Cameron of Lochiel, 187.
MacAllan, John, a piper in the service of the younger Macneils of Barra, 6, 42, 808.
—— John Dow, in Drumarban, 186.
—— John, in Balquhidder, fined 10 merks for resetting the Clan Gregor, 228.
—— (VicFinla), Gillichallum, rebel in the Lewis, 610, 692, 697.
—— John, brother of the Captain of Clanranald, 7; nominated by his brother among the disobedient men of his clan, 776.
—— Ronald, brother of the Captain of Clanranald, 4, 7; in the expedition against Sir James Macdonald, 347; commission to his brother, the Captain of Clanranald, against him, 430; nominated by his brother as being among the disobedient of his clan, 776.
—— Rorie, brother of the Captain of Clanranald, 6, 7, 19; nominated by his brother as being among the disobedient of his clan, 776.
—— (VicEan), of Ylantyrum, Donald, Captain of Clan Ranald, xxx, liii, lvii, lxvi; action of the Council against certain of his clansmen for befriending fugitives from the Lewis; letters of horning against, temporarily withheld, 4; reference to his relationship by marriage to MacNeill of Barra, 6; commission to, for apprehension and exhibition of the two elder or natural sons of MacNeill of Barra, and their confederates, 6, 42; account by James Primrose, in his Statement of "the Estate of the Isles," of the rebellion in Barra, and of the origin of Clanranald's commission there, 817; act for his obedience and good behaviour, and nomination of his agents in Edinburgh, 729–30; licence to go home to collect his money, 320–1; commission to him and the other Island Chieftains for pursuit of the fugitive Islay rebels, 731–3; charged to appear, 330, 330 n.; charged to produce his eldest lawful son, who is accused of having assisted Sir James MacDonald in his escape from the Castle of Edinburgh, 734, 735; in the pursuit of Sir James MacDonald, 332, 346, 738, 740, 741; missive of Council to, 748, 756; infeftment of his lands to Lord Ochiltree, 348; commission to, for the apprehension and exhibition of his brother Ronald MacAllan, 430; compears, 772, 579, 574; nominates those of his clan, including his three brothers, who are "disobedient and unanswerable," 776; band by, separately and conjointly with the other Island Chieftains, for their future obedience, and accepting certain obligations similar to those of the Band and Statutes of Icolmkill, in 1609, with some of greater stringency, 773–6, 588; cautioner for Donald Gorme of Slait, who is absent at the signing of the band, 778–80, 844; signs the said band of Donald Gorme, by the hand of a notary, "becaus I can not writ," 780; is to be convened and tried by the Lords in Council, upon the complaint of the men of Kinghorn, 606.
MacAllaster (Roy), Alexander, in Darlait, 451, 490.
—— (VicAngus), Allan, in Kilchoane, in Knoydort, and Allaster his brother, there, 60, 208–9.
—— (VicJames), Allaster Oig, fined for resetting the Clan Gregor, 54.
—— Allaster, in Fanvik, fined 100 merks for the same, 151.
—— (MacTarlich), Allaster, prisoner in Edinburgh Tolbooth, 330.
—— (Roy), Allaster, rebel in the service of the Earl of Caithness, 541, 583.
—— (Roy), Allaster Bain, clansman of Rorie MacCleod, 774.
—— (Vreik), Allaster, mentioned in a royal letter to Council, as being one of the few remaining outlaws of the Clan Gregor, 807; promise of reward to the laird of Grant, for taking his life, 810; missive of the King anent, 152; his death in the laird of Grant's house, 820.
—— Angus, officer to the Earl of Moray, 141, 660.
—— Angus Oig, rewarded for good service in recovering the Castle of Dunivaig, 706.
—— Callum Dow, warded in Tolbooth of Edinburgh, 256, 300–1.
—— (Voir), Donald, in Easter Camdole, 404.
—— Donald, in Glenlochie, father of Patrick Grant, 654.
—— (Wrik), Donald, concerned in the seizure and detention of the Castle of Dunivaig; charged to compear, 733.
—— (Reoch), Duncan and Allaster, in Avielochane, fined for resetting the Clan Gregor, 120.
—— Duncan, in Dundorne, fined £40 for the same, 229.
—— (VicEwne), Ewne, associate of Cameron of Lochiel, 186.
—— Ferquhair, in Innerrie, fined for resetting the Clan Gregor, 120.

MacAllaster (Cryrie), George, charged with setting a barn on fire, 451, 490, 541,583.
—— (VicInnes), James Bane, in Glenconnoglas, at the horn on a charge of murder, 404.
—— (VicJames), John, in Dell, fined for resetting the Clan Gregor, 53.
—— (VicKay), John, in Arderseyr, fined for the same, 54.
—— John Dow, charge from the Council to Pityallony to exhibit the son of, 89.
—— John, in Dronghie, fined for resetting the Clan Gregor, 103.
—— (VicEanduy), John, fined for the same, 120.
—— (VicEwne), John Beg, associate of Cameron of Lochiel, 186.
—— (Roy), John, and his brother, associates of Cameron of Lochiel, 187; reward of £500 offered by the Marquis of Huntly, for capture or slaughter of, 189.
—— (MacWraughter), John, clansman of Donald Gorme of Slait, 776, 779.
—— Doull, associate of Cameron of Lochiel, 187,
—— Dougall, servitor to Thomas Coutis, said to have aided Sir James MacDonald in his escape from the Castle of Edinburgh, 734,735.
—— Nicol, in Kip, fined for resetting the Clan Gregor, 104.
—— (Pudrache), Patrick, 820.
—— (VicEan Voir), Robert, fined £30 for resetting the Clan Gregor, 150.
—— Ronald Oig, concerned in the capture of Dunivaig Castle, 721 ; his escape from Islay, 729. *See* MacDonalds of Islay.
—— Sorle, one of the rebels in possession of Dunivaig, 710, 721. *See* MacDonalds of Islay.
—— (Dowy), Thomas, in Drumcheme, fined for resetting the Clan Gregor, 53.
——MacEan Oig, William, fined for the same, 121.
—— William, in Auchnagalt, 341.
—— (Reoch), William, in Fynryne, 404.
—— William, servitor to Lord Forbes, 830.
—— of Largye, MacDonald, 441.
MacAlpen, Donald, in Lurgane, fined 40 merks for resetting the Clan Gregor, 225.
—— Donald, fined £20 for the same, 226.
—— John Moir, in Portnellen, fined 10 merks for the same, 225.
—— John Roy, fined £4 for the same, 226.
MacAndich, John, in Tawrie, fined for the same, 102.
MacAndro, Allaster, in Balliouriche, fined for the same, 103.
MacAndro, Andro, in the barony of Glenlyon, fined 50 merks for the same, 149.
—— Donald, in Stukvullig, fined 40 merks for the same, 227.
—— Duncan, in Stuk, fined 10 merks for the same, 227.
—— (Buchanan), John, in Portnellie, fined for the same, 102.
—— (VicIlleis), John, fined for the same, 121.
—— (Buchannan), Peter, in Creithall, fined £10 for the same, 226.
—— John Bain, in Gawlariche, 404.
——(MacVoreist), Malcolm, in Tullair, fined 100 merks for resetting the Clan Gregor, 228.
—— (VicAllan), Patrick, in the parrochine of Cromdell, fined for the same, 120.
—— (MacJohn Dow), Robert, in Dromcheme, fined for the same, 53.
—— (Grant), Robert, in Lurg, fined for the same, 121.
—— (VicGillichallum), Robert, in Innergilan, fined 20 merks for the same, 225.
—— Robert Dow, in Delnabo, 404.
—— (Tosiche), Allaster, fined 100 merks for resetting the Clan Gregor, 148.
MacAngarve, John, at Vaternis, in Harris, 634.
MacAngus (Beg), Allaster, fined for resetting the Clan Gregor, 120.
—— (MacGillichallum), Donald, a ringleader in the rebellion in the Lewis for years past, 33, 256, 300–1, 715, 728.
—— (MacAllan), Donald, in Sandok, and his brothers, Ronald and Angus, there, 60, 208–9.
—— (VicAllan), Donald Gorme, 774.
—— Duncan Dow, in Dalchrosk, fined for resetting the Clan Gregor, 52.
—— (MacGillichallum), John and Gillespik, 2.
—— John Dow (VicGillimichell), in the Lewis, accomplice of Neil MacLeod, 3–4, 610, 692.
—— John, in the Leanoche, 410, 661.
—— (VicConeill VicEwir), John, *alias* John Shaw, in Harris, warded in the Tolbooth of Edinburgh, on a charge of piracy and murder, 634, 635.
—— (VicIntagart), Murdo and Donald, rebel islesmen, brothers, 256, 610, 692, 697, 715, 727.
—— (Gear), Ronald (late), in Neogart, in Knoydert, commission against the murderers of, 60.
—— (Roy), Marie Nine, relict, and Ronald MacAngus, son, of the late Ronald

MacAngus Gear, in Neogart, in Knoydert, 60.
MacAngus, Ronald Oig, one of the Islay rebels, 737 ; price offered for his head, 741, 749.
—— of Glengarrie, Donald, 60, 344, 352.
MacAphiliche, Thomas, in Gawlariche, 404.
MacArthur (Cartur), Alexander, in the Brae of Lanye, fined for resetting the Clan Gregor, 105.
—— Callum, in Over Creans, fined for the same, 102.
—— (Cartour), Donald, in Ballicragan, fined for the same, 103.
—— (Cartur), Duncan, in Darquhallich, fined 50 merks for the same, 150.
—— Finlay, in Inchrie, fined for the same, 102.
—— John Beane, in Over Creans, fined for the same, 102.
—— John Moir, in Over Creans, fined for the same, 102.
—— John, in Porte, 178.
MacAulay, Aulay, son to John Dow MacAulay, fined 50 merks for resetting the Clan Gregor, 225.
—— Aulay, in Stukdownoble, 384.
—— (Caulay), John, in Chapell of Kilbride, 178.
—— John Dow, in Garelochheid, fined £80 for resetting the Clan Gregor, 225.
—— Thomas, notary, 155 ; subscribes a document for Stewart of Falshope, who cannot write, 402, 430, 841.
—— Patrick, messenger, 792.
—— fiar of Ardoche, Aulay, 460–3, 470, 484, 509-10, 514, 841.
MacAves, Donald, in Dronghie, fined for resetting the Clan Gregor, 103.
—— Duncan Ger, in Little Baldruik, fined 100 merks for the same, 226.
MacBae, Callum, in Vorokland, fined for the same, 102.
MacBean (VicRobert), Ay, in Knokinauld, fined for the same, 55.
—— David, "dagmaker," burgess of Stirling, 193, 194.
—— (Gaw), Ewne, in Urquhart, fined for resetting the Clan Gregor, 121.
—— Lauchlane, in Easter Craig, fined for the same, 122.
MacBend, David, in Stirling, 541.
MacBeth (Baith), Andro, "cordinair," at Perth, 70.
—— of Ballanavy, Fergus, 590–1.
MacBreck, Alexander, messenger, 433.
MacBriar, of Almegill, Robert, justice of the peace in Dumfriesshire, 73.
MacBrume, Sorle, one of the Islay rebels, 721.
MacCadell, Donald, in Duncastell, fined for resetting the Clan Gregor, 53.
MacCall, Katherine, spouse of Mr. William Murray, 615.
—— Mungo, burgess and bailie of Edinburgh, 160, 163, 342.
—— Robert, servant to Michael Tostis, 427.
MacCallum (Voir), Donald, in Tracharvie, fined for resetting the Clan Gregor, 103.
—— Patrick, fined for the same, 102.
MacCanrig of Dalpedder, younger, 419.
MacCaphiliche, James, in Wester Gawlairge, 404.
MacCapie, in Craknarrane, fined for resetting the Clan Gregor, 102.
MacCarliche, Auchinroy, in Lyne, fined for the same, 122.
MacCarres, Callum, in Edinample Mains, fined 10 merks for the same, 227.
—— Donald, in Tracharvie, fined for the same, 103.
—— Dowgall, tenant to the laird of Weyme, fined 50 merks for the same, 150.
—— John, in Balquhidder, fined 10 merks for the same, 228.
MacCartnay, Doctor, at Edinburgh, 155.
—— John, 331.
—— William, 259.
MacCaskie, James, servitor to Andro Wardlaw of Torrie, 357.
—— John, 374.
MacCaslen, John, in Auchingeth, fined £100 for resetting the Clan Gregor, 226.
—— Patrick Moir, fined 50 merks, and his son Patrick, 40 merks, for the same, 225–6.
MacCausland, Barroun, tenant of Colquhoun of Luss, 178.
—— Dougall, in Hill, tenant of the laird of Luss, 178.
—— John, in Tombay, tenant of the laird of Luss, 178.
MacCaw (Voir), Donald, fined 50 merks for resetting the Clan Gregor, 150.
MacCerishe, Hector, one of the Islay rebels, 721.
MacChesriche, Finla, in Wester Crachin, fined for resetting the Clan Gregor, 104.
MacClachar, Thomas, in Aschiltie, fined for the same, 101.
MacClaro, John, in Lanye, fined for the same, 104.
MacClellan. *See* MacLellan.
MacCleod. *See* MacLeod.
MacCleriche, Donald Gaw, and his son Donald

MacGowie, fined for resetting the Clan Gregor, 53.
MacCleriche, Donald, in Tullimolene, fined £100 forthe same, 150.
—— Duncan, in Over Innerulas, fined 20 merks for the same, 225.
—— Duncan, in Kenmore, fined 20 merks for the same, 227.
—— John Dow, in Dun, fined 40 merks for the same, 225.
—— Robert, tenant of the laird of Luss, 178.
—— Robert, in Rolmell, 220.
MacClyntok, John, in Chantran, 178.
MacColchaltanich, John, called "the climmer," in Berridale, 830.
MacColgaw, William, in Rathiemoone, fined for resetting the Clan Gregor, 120.
MacCollae, Allaster Keill, in Easter Camdole, charged with murder, 404.
—— Allaster Roy, then in Cornegald, now in Newie, charged with murder, 404.
—— Andro, in Lacothie, charged with murder, 404.
—— Maleis, fined £20 for resetting the Clan Gregor, 151.
—— Patrick Roy, in Glenconnaglas, charged with murder, 404.
—— Robert, in Bofalie, fined 200 merks for resetting the Clan Gregor, 151.
MacColroy, Malcolm, tenant of the laird of Luss, 178.
MacColvayne, Duncan, fined 50 merks for resetting the Clan Gregor, 148.
MacCome, Alexander, at Auchregyne, 131.
—— (Comie), John, at Stradowne, 131.
—— John, in Crawfurdstoun, 799.
MacComeis, Alexander, in Balmadinthy, 794.
—— (VicAge), John Bane, in Wester Inirrurie, 404.
—— Scheter, John, at the Port of Tullimet, 508.
MacComeleis, Angus, in Mekle Suddy, 794.
MacCondochie (Campbell), Lauchlane, tenant of the Earl of Argyle, 179.
—— (V'James), charged with stealing "ane broun turse horse," 488.
—— Moir, Allaster, in Inirrurie, charged with murder, 404.
—— (Beg), Donald, in Little Davie, fined for resetting the Clan Gregor, 122.
—— (Vayne), Donald, in Glenogill, fined £20 for the same, 228.
—— (Dow Oig), Duncan Dow, fined for the same, 53.
—— Duncan, Donald Bayne, Donald More, and John, the four brothers of Ewne MacCondoquhy, associates of Cameron of Lochiel, 186.
MacCondochie (Roy), Ewart, in Baid, fined for resetting the Clan Gregor, 104.
—— (Callaster), Ewne, in Glenneten, tenant of the Earl of Argyle, 179.
—— Ewne, and his son Martyn, associates of Cameron of Lochiel, 186.
—— (V'Allaster), Gregor, in Mukurdnache, fined for resetting the Clan Gregor, 122.
—— (Oig), John Ovir, in Tullichrosk, fined for the same, 52.
—— John, in Gartinbeg, tenant and servant of the laird of Grant, denounced for resetting the Clan Gregor, 71, 139.
—— (V'Gillespik), John, in Glenmoriston, fined for resetting the Glan Gregor, 122.
—— (Callaster) John Dow, in Glencattelling, 179.
—— (V'Allaster), John, in Dundorne, fined £40 for resetting the Clan Gregor, 229.
—— Lauchlane Oig, in Glenurchy's bounds, 179.
—— William, in Tomdow, 616–17.
MacConeill. *See* MacDonald.
MacConich, John Dow, in the barony of Glenlyon, fined £20 for resetting the Clan Gregor, 149.
MacConlea, Patrick, in Finran, fined for resetting the Clan Gregor, 143.
MacConnoquhie (Roy), Donald, and his brother, John Dow, 187.
—— Duncan, in Inverbirny, fined for resetting the Clan Gregor, 54.
—— (V'Kinla) Finla Bain, in the barony of Glenlyon, fined 100 merks for the same, 149.
—— (M'Coneill Bain), Gillespik, tenant of Glengarry, 344.
—— (V'Allaster), Gregor, in Mukro, warded for resetting the Clan Gregor, 364.
—— (Douy), John, in Dalquhossane, fined for resetting the Clan Gregor, 53.
—— (Nair), John, fined 40 merks for the same, 150.
—— Muldoniche, in the barony of Glenlyon, fined 10 merks for the same, 149.
—— (Roy Stewart), Patrick, in Tullair, under the laird of Cromlix, fined 50 merks for the same, 228.
—— (Vaine), Patrick, tenant of MacAngus of Glengarry, 344.
—— (More), Robert, fined 50 merks for resetting the Clan Gregor, 150.
—— William, in the Mains of Dolos, 410, 661.

MacCorkell, William, against the Earl of Caithness for wrongous imprisonment 551.
MacCormod (V'Ane Vane) John, at Vaternis in Harris, charged with piracy and murder on the coast of Lewis, 634.
MacCornok, James, collier in Cragoch, 117; warded in Edinburgh Tolbooth, 814–15, and 815 n.
MacCorrie, Issobel, in Cantran, tenant of the laird of Luss, 178.
MacCoulchen, Allaster, brouster, fined for resetting the Clan Gregor, 120.
MacCoulduy (Quean), William, in Pittegonie, fined for the same, 54.
MacCoull (V'Mater), servant of John Dow MacPaull V'Cleriche, 59.
—— (V'Gillichallum), Donald, one of the rebels in Lewis, 610.
—— (MacIlvoill), Duncan, tenant of Argyle, 179.
—— Duncan Oillich, servant of John Roy MacIndone, 179.
—— Ewne, in Raikbeg, fined for resetting the Clan Gregor, 121.
—— (Aradiche), Ewne Oig, in Dalnes, tenant of Argyle, 179.
—— (Don V'Karne), Gillespik, servitor to Patrick MacDonachie Campbell, in Acharne, 179.
—— (Chere), Gregor, mentioned in a letter of the King to the Council, 813.
—— (M'Eane V'Chattan V'Intosche), John, fined 50 merks for resetting the Clan Gregor, 152.
—— John, town officer in Edinburgh, 155, 161, 163.
—— (Arratiche), John Oig, tenant of Argyle, 179.
—— (V'Anes), John, associate of Cameron of Lochiel, 187.
—— Marioun, in Porte, tenant of Colquhoun of Luss, 178.
—— Marioun, tenant of the laird of Luss, relict of Allaster MacWattie in Glenmukerne, 178.
—— (M'Farlane), Robert, in Gortan, fined £50 for resetting the Clan Gregor, 227.
—— Robert, flesher, 527.
—— of Lorne, bailie of Lorne, 738, 762.
MacCoulroy, Gilleis, in Auchgeirsie, fined for resetting the Clan Gregor, 121.
MacCracken, of Barnefailyie, John, 385.
MacCuben, William, in Ardlachie, fined for resetting the Clan Gregor, 122.
MacCullie, Alexander, in Tounheid of Ranthrow, usury case, 411.
MacCullie, John, in Clayok, and Thomas his son, 42.
MacCulloch, Alexander, in Catboll, 538.
—— David, servitor to the Lord of Binny, 431.
—— James, 651.
—— Mr. William, witness, 780.
—— of Ardwell, Thomas, charged with deforcing a messenger, 374, 376.
—— of Drummorrell, James, cautioner, 400.
—— of Myretoun, William, 50, 484, 489.
—— fiar of Myretoun, Alexander, 484.
MacDonald or MacConeil: the MacDonalds of Islay, lxi, 279 n.; the MacDonalds of Sleat, 776.
—— (V'Sorle Oig), an associate of Cameron of Lochiel, 187.
—— (Duy), Allan, in Lochaber, 818.
—— Allaster Roy, in Drumcheme, fined for resetting the Clan Gregor, 53.
—— (V'Ewir), Allaster, in Nutemoir, fined for the same, 54.
MacDonald, Allaster and Gillespik, brothers of MacDonald of Sleat, 776, 778.
—— Angus Oig, younger lawful son of MacDonald of Dunyveg, xxxvii, xlii, lxxxv, 267 n., 279–80 n., 696, 242, 706,710, 718, 719, 720, 722, 723, 724, 330, 330 n., 357, 357 n.
—— (Gorme), Angus, clansman of Clanranald, 774.
—— (V'Neill), Angus, 776.
—— (V'Donchie), Arthur, in Glashar, fined for resetting the Clan Gregor, 102.
—— Coll MacGillespick, xxxvii, 441, 728, 729; *and see* MacGillespic.
—— (V'Donald), Coll, and his sons Archibald and Donald Gormes, 729.
—— (V'Ewne), Donald Dow, in Disho[ir], fined for resetting the Clan Gregor, 103.
—— MacSorle (M'Gillichallum), Donald, 2.
—— (V'Colchallum), Donald Oig, fined for resetting the Clan Gregor, 120.
—— (Moir), Donald Beg, fined for same, 120.
—— (V'Ean V'Glassen), Donald, fined for the same, 120.
—— (V'Coull), Donald, fined for the same, 121.
—— (M'Eane Mulliche), Donald Oig, in Polmalie, fined for the same, 122.
—— (Aird), Donald, in the barony of Glenlyon, fined £20 for the same, 149.
—— (V'Andro), Donald, fined £20 for the same, 150.
—— (Oig), Donald, fined 40 merks for the same, 150.
—— Donald Oig, younger, fined £40 for the same, 151.

LIBRARIES

MacDonald (M'Gillichallum), Donald, one of the Lewis rebels, 692, 697.
—— Donald, Tutor of Ardnamurchin, lvii, 772.
—— Donald Gorme, base son of Sir James MacDonald of Islay, 733.
—— Donald Gorme, nephew of MacDonald of Sleat, 776, 778.
—— (V'Eane Mulliche), Duncan, in Clune, fined for resetting the Clan Gregor, 122.
—— Duncan, in the Barony of Glenlyon, fined 50 merks for the same, 149.
—— (V'Ewne Neir), Ewne, slain by Cameron of Lochiel, 189.
—— (V'Inglas), Ewne, associate of Cameron of Lochiel, 187.
—— (V'Inphaill), Finla, associate of Cameron of Lochiel, 187.
—— (Nevir), Gibbon, in Fergeus, fined 10 merks for resetting the Clan Gregor, 227.
—— (V'Kinla), Gillandreis, in Balnaspik, fined for resetting the Clan Gregor, 54.
—— Sir James, MacSorley (umquhile), 764, 765, 769–70.
—— (V'Coull Dalrachine), John, in Glencharnik, fined for resetting the Clan Gregor, 120.
—— (V'Donchie MacGillespiek), John Keir, in Urquhart, fined for the same, 121.
—— (MacInnerran), John, in Knokinrower, fined for the same, 121.
—— (Oyer), John Dow, fined for the same, 122.
—— (V'Eane Rawer), John, fined for the same, 143.
—— John Dow, in the barony of Glenlyon, fined £10 for the same, 149.
—— John Oig, fined £20 for the same, 150.
—— (Duy), John, associate of Cameron of Lochiel, 187.
—— (V'Inmore), John More, associate of Cameron of Lochiel, 187.
—— (V'Ewne), John, "father-brother son" of Duncan MacEane V'Ewne, associate of Cameron of Lochiel, 187.
—— (M'Angus Neill), John Dow, taken prisoner by the younger Glengarry, 347.
—— MacEane, John, in Danoch, 410, 661, 665.
—— (M'Eane M'Phail), John, in the Wester Davach land of Wester Cullodon, charged with murder, 678.
—— John, one of the Islay rebels, 721.
—— (V'Eanroy), Kenyeauch, associate of Cameron of Lochiel, 187.
—— (V'Neill), Lauchlane, clansman of MacLean of Duart, 776.
MacDonald, MacSorlegeir, "a fellow called," friendly to the Macdonald rebels, 763.
—— (M'William), Malcolm, in Innerulas, fined £40 for resetting the Clan Gregor, 225.
—— (M'Ilvoriche), Moriche, slain by Cameron of Lochiel, 189.
—— Sir Ronald MacSorley Buy, friend of Sir James MacDonald of Islay, 13–14, 19, 279 n., 721, 809, 818.
—— Ranald MacRonnald, uncle of Sir James Macdonald of Islay, 763.
——Ronald MacJames, 763.
—— Ranald Oig, a bastard son of the deceased Angus MacDonald of Dunyveg, xxxvi, 267 n., 695, 696, 718, 720.
—— (Gorme), Ronald, 774.
—— Rorie, accomplice of the sons of MacNeill of Barra, 6, 42, 808.
—— Sorley MacJames, in Ireland, a bastard son of the late Sir James MacSorley MacDonald of Dunluce in Antrim, 489, 758, 759, 760, 764, 765, 769–70.
—— (V'Eane), Tushie, associate of Cameron of Lochiel, 187.
—— (V'Coull), William, in Dunnauchtane, fined for resetting the Clan Gregor, 54.
—— (V'Agow), William, in Lagan, fined for the same, 122.
—— (V'Angus), William, in Pittivene, fined 200 merks for the same, 149.
—— (V'Andro), William, fined £20 for the same, 151.
—— of Dunivaig, Angus, Chief of Ilsay, xxx, xxxiii, xxxvi; one of the chiefs at Icolmkill in 1609, deceased, 267 n., 695, 818.
—— of Gargavach (Keppoch ?), Allaster, and Ronald MacRonald, his eldest son, 742, 767, 768, 769.
—— of Islay, Sir James, eldest lawful son of MacDonald of Dunivaig, chief of the MacDonalds of Islay, xxx, xliii–lii, lvi; prisoner in Edinburgh Castle since 1604, 242, 267–8 n.; escape of, from his ward, 330 n.; proclamations, missives, and commissions against, 330; commissions of fire and sword to the Marquis of Huntly and the Earl of Tullibardine against MacDonald and his associates, 733–4; reward of £2000 offered for his apprehension or his head, 734–5; missives of Council to Donald Gorme of Sleat and the Captain of Clanranald concerning, 332; charge to the MacDonalds who are with Sir James to appear and answer, and to the Captain of Clanranald to produce his son, who is one of them, 735; Campbell of Cadell promises to keep the Island of Islay

against, 736; Campbell of Lundy refuses to undertake the charge of acting against the rebel MacDonalds in the absence of the Earl of Argyle, 736; proclamation against Sir James, with promise of pardon and offers of an increased reward of £5000 for the apprehension or slaying of, 736; Campbell of Auchinbrek, as bailie of Argyle is commissioned by Council to levy forces in Argyleshire, with ships, arms and provisions, for the pursuit of, 737–8; similar commissions to lairds and noblemen in other districts with proclamations for various measures for the suppression of the rebellion, 738–9; Campbell of Auchinbrek released from ward in the burgh of Edinburgh, that he may undertake his commission against, 739; commissions to various lairds and noblemen, with the number of men each one is to supply, 739–40, 741; proclamation of promise of free pardon to any of the subordinate associates of Sir James who will give themselves up within a given time, 740–1; proclamation forbidding the sale of gunpowder, lead, and lint to the rebels, 741; new proclamation for the concurrence of the lieges in the service against, 741–2; MacRannald of Gargavach and his son denounced for not appearing as charged, 742; general levy in Argyle and Tarbet, 742; the same in the Sheriffdoms of Ayr, etc., 743, 345; measures for the pursuit of Sir James and Coll MacGillespic, 346, 375; Campbell of Lundy charged with the expedition, 346; composition of the expedition, 346–7; the Earl of Enzie to co-operate in the service, 347; a son of the laird of Glengarry in the hands of the rebels, and two of the rebels in the laird's hands, 347; number of vessels available for the expedition, 347–8; commission to the Marquis of Hamilton for guarding the Island of Arran against the rebel MacDonalds, 743–4; charges and proclamations, 350, 352; new commission to the laird of Auchinbrek, 380; appointment of the Earl of Argyle to the general Lieutenancy in the service against the Western Isles, 744–8; full copy of the commission, 749–53; Archibald Campbell's preliminary report of the Earl's proceedings against the Macdonald rebels, 757–62; the Earl of Argyle's own personal report before the Council, 762–66, 435; alleged reset of Duncan MacDougall by MacAllaster of Largie, 441–2, 768; the Marquis of Huntly and the laird of MacIntosh summoned to confer with the Council as to means for dealing with the relics of the Macdonald rebellion, 767, 451; pursuit of MacRannald of Gargavach and his son, fugitives in Lochaber, by Lord Gordon and the Marquis of Huntly, 767, 768, 769, 488, 490, 517; pursuit of some of the late adherents of Sir James, who, after having been fugitive in Ireland, have returned to the Western Isles, 769–71, 771; complaint of certain skippers of Fifeshire against certain of the Highland Chieftains for resetting pirates, alleged to have been the friends and abettors of Sir James, 634–5; his final escape to Ireland, lii, lvi.

MacDonald of Largie, Alexander, lv, 766, 767, 768,769; his brother Allan MacDonald MacAllaster, 768; his brother John MacDonald, 778.

—— of Sleat, Donald Gorme, xxx, xxxviii, xlviii, liii, lvii, lviii; appears before the Council, 691; signs a band, 692; caution for, 90, 817–18; commission to, for the trial of two MacGregors in his custody, 162; ratification, with the other chiefs, of his obligations by the Band of Icolmkill, 698; band, with the same chiefs, for his future annual appearance before the Council, 699; declaration by the same chiefs anent feuds and differences amongst themselves, 699; bands by the same, 699; domiciles in Edinburgh fixed for their future citations, 699–700; ordered not to leave Edinburgh without licence, 700; band by, for his confining himself within Glasgow, 707; released from ward in Glasgow to assist the Bishop of the Isles in Islay, 267, 268 n.; is with the Bishop, 279 n.; missive of Council to, 303; anent his "mailles and taxations," 319, 730; Sir James Macdonald has an interview with him in Skye, 330 n.; commission to, with others, for the pursuit of the fugitive Islay rebels, 332, 731–2; further commissions to, with others, in the same service, 738, 740, 741; supplies twenty-five men to the expedition, 346; also "ane birling," 347; Council's missives to, 748, 756; excused by a testimonial from compearance, 574, 772; nomination by MacLeod of Harris and the Tutor of Kintail of the chief clansmen of, 776; his band with the other chiefs, 588, 844, 778–80; to be convened and tried by the lords of Council, with other of the chiefs, upon the complaint of the men of Kinghorn, 606.

MacDonchie, Marie, widow in Balquhidder,

fined £100 for resetting the Clan Gregor, 228.
MacDougall, Allaster, Captain of Dunivaig, 441.
—— Duncan, and three of his brethren alleged assisters of Sir James MacDonald of Islay, 441, 768–9.
—— Florence, relict of Kennedy of Baltersane, 155.
—— Jonet, spouse to MacRonnald of Gargavach, 442, 781.
—— of Dunolly, Duncan, 176–7.
—— of Dunolly, Allan, son of Duncan MacDougall of Dunolly (spelt Donnollich), xxiv; accused of reset of the Clan Gregor, 176–7.
—— of Freuch, John, 42.
—— of Raray (Ragray), John, 132, 762.
MacDowll (V'Conneill Bain), Angus, 344.
MacDuff, Allaster, in Tullibeltan, fined £20 for resetting the Clan Gregor, 151.
—— Allaster, brother to MacDuff *alias* Baroun, fined 50 merks for the same, 152.
—— *alias* Barroun, David, younger, fined 100 merks for the same, 152.
—— Duncan, fined 300 merks for the same, 151.
—— John Gromoch, fined 100 merks for the same, 151.
—— Baron of Fandowy, David, fined £100 for the same, 151.
—— younger of Fandowy, James, fined 500 merks for the same, 150.
MacDuffie, Malcolm, prisoner in the Tolbooth of Edinburgh, 439, 678, 687.
MacEachan (MacAllaster), Angus, prisoner in Edinburgh Tolbooth, 330-1.
—— Robert, at the Mill of Finlas, 178.
—— of Wester Largis, Allaster, 731.
MacEane, ——, sometime master of the household to MacDonald of Dunivaig, 721.
—— (Vie), in Achingaand, 178.
—— (Dow V'Ronnald) Allan, in Badenoch, 410, 661, 665.
—— (Dowye), Allan, son of MacLean of Dowart, 573.
—— (Riach V'Agawne), Allaster, in Forterletter, fined £200 for resetting the Clan Gregor, 143.
—— (Roy), Allaster, in Graniche, fined 1000 merks for the same, 152.
—— (V'Innes), Allaster, in Glenconnoglas, 404.
—— Allaster, prisoner in the Tolbooth of Edinburgh, 439, 678, 721.
—— (Oig), Allaster, 774.
—— (MacAllan), Angus, in Uist, 4.
MacEane (V'William), Angus, and his two sons Donald and Ewne, 187.
—— Bane, in Dalquhossane, fined £13, 6s. 8d. for resetting the Clan Gregor, 53.
—— Bartilmo, oisler in Aber, fined £50 for the same, 226.
—— Donald Gorme, and Ronald, his son, in Uist, 4, 5.
—— (VicIntagart), Donald, in the Lewis, accomplice of MacLeod "the traytour," 4.
—— Donald, in Cruben, fined for resetting the Clan Gregor, 54.
—— (V'Colchromye), Donald, in Geche, fined for the same, 120.
—— (Garve), Donald, and his brother John in Harris, 634.
—— Donald, Tutor of Ardnamurchie, 730. *See also* MacIan.
—— (Rorie Dow), Donald Gorme, brother of the Captain of Clanranald, 774.
—— Dow MacMurrich V'Coll, in Roroger, 179.
—— (Malloch), Duncan, in Urquhat, fined for resetting the Clan Gregor, 121.
—— (MacConeill Glas), Duncan, fined for the same, 121.
—— (Voir), Duncan, in Pitnacrie, fined 1000 merks for the same, 152.
—— (V'Ewne), Duncan, in ——, and John MacDonald VicEwne, his nephew, 187.
—— (Dowy), Duncan, 235, 807.
—— (Rioche), Duncan, in Glenbroun, 404.
—— (Voir), Ferquhar, in Lenchyle, warded for resetting the Clan Gregor, 121, 364.
—— (V'William), Finla, at Dingwall, fined for resetting the Clan Gregor, 54.
—— (Roy), Finla, fined for the same, 121.
—— (V'Kinla), Finla, in Balquhidder, fined 50 merks for the same, 228.
—— (VicRobert), George, the son of, fined for the same, 53.
—— (VicMacTagart), Gillichallum, in the Lewis, accomplice of MacLeod, "the traytour," 4.
—— (Roy), Gillichallum, fined for resetting the Clan Gregor, 122.
—— (MacDonachie Gaw), Hucheoun, in Urquhart, fined for the same, 121.
—— (V'Jokie), James, in Docharne, fined for the same, 120.
—— (Hassik), John Dow, in Kenloche, fined for the same, 53.
—— (V'Bayne MacIlphersone), John, in Caldwell, fined for the same, 55.
—— (Gawy VicRorie), John, in Cruben, fined for the same, 54.

MacEane (V'Phatrik), John Dow, brother of the "goodman" of Tullichgorme, at the horn for reset of Clan Gregor, 71; tenant and servant of the laird of Grant, 139.
—— (VicFerquhar VicEwne), John, fined for the same, 120.
—— (Ganiche), John Mulloch, officer in Urquhat, fined for the same, 121.
—— (Roy), John Beg, fined for the same, 121.
—— (Coull), John Dow, and Duncan his brother, in Glenmoriston, fined for the same, 121–2.
—— (Roy VicEane VicConneill), John, fined for the same, 122.
—— (Riach), John Dow, in Tomaclagan, fined for resetting the Clan Gregor, 143.
—— (Noyer), John Dow, in Bordland, fined 50 merks for the same, 150.
—— (V'Allaster), John, and his son Allaster, 186.
—— John Dow, in Glenlichorne, fined 20 merks for resetting the Clan Gregor, 229.
—— (Reoch), John and Ferquhar, sons of John Reoch MacAgowne, 309.
—— (VicConeill Glash), John, in Calinoill, warded for resetting the Clan Gregor, 364.
—— (Reoche), John Dow, in Tomachlagane, 404.
—— (VicTagart), John, at Vaternis, in Harris, 634.
—— (Voir), John, sent by Argyle a prisoner to Edinburgh, 764.
—— (V'Intagart), Malcolm Cogach, a Lewis rebel, 33, 256, 300–1.
—— (Roy), Malcolm, merchant at Luss, fined 10 merks for resetting the Clan Gregor, 226.
—— Mallanache, in ——, 187.
—— (Reoch, Muldoniche), fined 20 merks for resetting the Clan Gregor, 149.
—— Murdo (VicAntagart), in the Lewis, 4; a ringleader in the rebellion in the Lewis, 33.
—— (V'Eane), Murdo, in Harris, 634.
—— (V'Eane), Neill, in Vaternis, Harris, 634.
—— (V'Neill), Neill Bain, in Harris, 634.
—— (V'Allaster), Neill, 774.
—— (Roy Uig), Nicoll, in Achallander, 179.
—— (M'Coneill), Patrick Roy, fined for resetting the Clan Gregor, 120.
—— (V'Coneill), Patrick Roy, fined for the same, 120.
MacEane (Gault), Patrick Gaw, in Torren, in Strathdon, fined for the same, 143.
—— (V'Fadrick), Patrick, in Innerulas, fined 10 merks for the same, 225.
—— (V'Allaster), Paul, in ——, 187.
—— (V'Rorie), Ronald, in Uist, 4, 5.
—— (V'William), Rannald at Dingwall, fined for resetting the Clan Gregor, 54.
—— (V'Laren), Robert, in Balquhidder, fined 20 merks for the same, 228.
—— Robert, and his son Duncan, executed by the laird of Grant, 820.
—— (V'Angus), Thomas, fined for resetting the Clan Gregor, 120.
—— (Glas V'Coull), *alias* M'Quene, Thomas, in Stratherne, fined for the same, 121.
—— (spelt Makeane), William, burgess of Montrose, 25–6.
—— (V'William), William, in Counterland, fined for reset of the Clan Gregor, 54.
—— (V'Angus), William Beg, in Dell, at the horn for resetting of the Clan Gregor, 71; tenant and servant of the laird of Grant, 139.
—— (Variche), William, in Carne, fined for resetting the Clan Gregor, 143.
—— William, bailie of Montrose, 161.
MacEanduy, Allaster, and his four brothers, Allan, John More, John Oig and Ronald, 187; letter of Council to the Marquis of Huntly in favour of, 210, 513.
—— (V'Allaster), Angus, in ——, 187.
—— (Breve), Donald, in the Lewis, 4.
—— (V'Ewne), Donald and John his brothers, 187.
—— (MacCondoquhie Roy), Duncan, fined for resetting the Clan Gregor, 121.
—— Duncan, an outlaw of the Clan Gregor, 152, 162, 807, 820. *See* MacGregor.
—— Gillespik, 776, 779.
—— John, in Stromasie, fined for resetting the Clan Gregor, 54.
—— John, in Drumnascrene, fined for the same, 105.
—— John, in Cholokellie, 187.
—— (Coull), John Dow Beg, and his brother, Lauchlane Dow Beg, 187.
—— (V'Angus Neill), John, one of the Islay rebels, taken prisoner by the Earl of Glengarry's son, 347.
—— Lauchlane, in Derie, fined 50 merks for resetting the Clan Gregor, 227.
—— Robert, in Over Creans, fined for the same, 102.
Macers, the four ordinary, of the Council and Session, 460.

MacErrocher (*or* Erchar), Duncan, in Glaschar, fined for resetting the Clan Gregor, 102.
—— Duncan, in the barony of Glenlyon, fined £20 for the same, 149.
—— Ferquhair, in Tombrek, fined for the same, 103.
—— John, younger, in Brigend, fined for the same, 103.
MacEverie, John Dow Oig, in Glendochart, fined 500 merks for the same, 151.
—— John Dow Moir, father of the above, fined 500 merks for the same, 151.
MacEvinvore, John Ovir, in Gellovie, fined for the same, 122.
MacEwir (VicNeill), Callum, in Edinchip, at the head of Lochearn, commission against, 59.
—— (M'Gillichallum), Ewir, 344.
—— Innes, warded in Edinburgh, 256.
——James, 300–1.
—— John Dow, in Wester Ardchanatik, fined for resetting the Clan Gregor, 103.
MacEwne (Cleill), 187.
—— (V'Coneil V'Ilvoriche), ——, slain by Campbell of Lochiel, 189.
—— Alexander, in Cammoch, fined £50 for resetting the Clan Gregor, 150.
—— Alexander, in Wester Ardchanatik, fined for the same, 103.
—— (V'Chroyme), Allaster, in Aulich, in Ranniche, fined 50 merks for the same, 149.
—— Callum, in Kippenros Letter, fined for the same, 103.
—— Donald, sometime in Innerwik, fined for the same, 122.
—— Donald, in Bordland, fined £20 for the same, 150.
—— (Oig), Donald, in Tullochcrook, fined £10 for the same, 151.
—— Dougall, in Innerchadan, fined £10 for the same, 151.
—— (VicEane VicEwne), Ewne Dow, and his brother John Dow, 187.
—— (William), Ewne, and his brother-son, John, 187.
—— (William), John Dow, 187.
—— John, tenant of Lord Livingston, in Backen, barony of Callander, 650.
—— John, in Tombey, fined for resetting the Clan Gregor, 104.
—— John, fined £20 for the same, 229.
—— (V'Andro), John, in Craigmewen, fined 20 merks for the same, 225.
—— (V'Innes), John, 187.
—— Matthew, in Temper, fined £20 for resetting the Clan Gregor, 149.
MacEwne (V'Dougall), Neill, in Altanabrek, fined for the same 103.
—— Patrick, fined £50 for the same, 150.
—— Parlen Beg, in Overadvolrig, fined 80 merks for the same, 227.
—— William, in Wester Rait, fined for the same, 54.
MacFall, Donald, in Glencoe, 179.
MacFarlane, Andro, in Inshye, fined for resetting the Clan Gregor, 102.
—— Andro, in Kippenros Letter, fined for the same, 103.
—— Andro, in Stukina, fined 40 merks for the same, 225.
—— Andro, prosecuted for wearing pistols, 401.
—— Andro Moir, in Bonassen, fined for resetting the Clan Gregor, 102, 272.
—— Callum, in Stukvullig, fined 40 merks for the same, 227.
—— Callum, in Nether Ulas, fined 10 merks for the same, 227.
—— Dougall, in Innerlaren, 178.
—— Dougall, in Tullichintaull, fined 300 merks for resetting the Clan Gregor, 227.
—— Duncan Dow, ostler at Gartavarrane, fined for the same, 101.
—— Duncan, in Calzemoir, fined 20 merks for the same, 227.
—— Duncan, in Corriechoir, fined £20 for the same, 227.
—— Duncan Roy, in Stukveik, fined £20 for the same, 227.
—— Duncan, in Stronfin, fined 20 merks for the same, 227.
—— John Dow, in Gartavarrane, fined for the same, 101.
—— John, son of Malcolm M'Farlane, in Stukintibir, 177.
—— John, 212.
—— John Dow, in Ardis, fined £40 for resetting the Clan Gregor, 225.
—— John Dow, in Gartboll, fined 50 merks for the same, 225.
—— John, in Kenmore, fined £10 for the same, 227.
—— Jonet, "good-mother" to Donald Buchanan, 226.
—— Malcolm, in Gartavarrane, fined for resetting the Clan Gregor, 101.
—— Malcolm, in Stukintibir, kinsman of Colquhoun of Luss, 177.
—— Malcolm, in Inversnaid, fined 10 merks for resetting the Clan Gregor, 227.
—— Robert, son to MacFarlane in Inversnaid, fined 40 merks for the same, 227.

MacFarlane, Walter, in Corrierclat, fined 50 merks for the same, 226–7.
—— William, in the Burn of Kilmorich, 220.
MacFarrie (Gean), Callum, fined 10 merks for resetting the Clan Gregor, 227.
MacFauch (V'Gillichallum), 344.
MacFerquhair, Allaster, fined for resetting the Clan Gregor, 120.
—— (V'Allaster), Robert, fined for same, 121.
—— (MacFarquhar Roy), John, in Barra, 4, 5.
Macfie. *See* MacPhie.
MacFinla (V'Connochie), Allaster, fined for resetting the Clan Gregor, 120.
—— (M'Andro), Donald, in Drumcheme, fined for the same, 53.
—— (Vig), Donald Dow, in Drumcheme, fined for the same, 53.
—— (Beg), John, in Invermasrene, fined for the same, 122.
—— (M'Kay), John, in Artharsaye, fined for the same, 122.
—— (MacFindlay V'Condochie), William, in Drum of Abernethie, fined for the same, 71, 120; tenant and servant of the laird of Grant, 139.
MacFune, Patrick, uncle to John MacFarlane and kinsman of Colquhoun of Luss, 177.
MacGawlarich, *alias* MacWilliam Beg, John, William and Allan, in Gawlariche, 404.
MacGeddes, Malcolm, lockman of Linlithgow, apprehended for murder, 388.
MacGeorge (M'Intosh), John, in Balernet, fined 300 merks for resetting the Clan Gregor, 149.
MacGhie, John, warded in Edinburgh, 211, 242.
MacGibbon, ——, in Caldun, 178.
—— relict of John Low, 220.
—— Ferquhar, tailor in Auchlone, 404.
—— Finla, in Ord, fined for resetting the Clan Gregor, 104–5.
—— James, brouster, fined 50 merks for the same, 148.
—— John, and Donald, in Avielochane, fined for the same, 120.
—— Patrick, in Shymore, 178.
—— Robert Finla, in Drumnascrene, his son is fined for resetting the Clan Gregor, 105.
—— Robert, in Apnadow, fined £20 for the same, 150.
MacGie, Sir John, 124.
MacGill, of Cranstoun-Riddell, David, 398, 401, 406, 514.
MacGillandreis, John Dow, ostler in Drummokill, fined 10 merks for resetting the Clan Gregor, 226.
MacGillespik (V'Coull V'Eane,), Allaster, 179.
—— Andro, in Lanye, fined for resetting the Clan Gregor, 104.
—— (Campbell), Colin, in Beith, 179.
—— Coll, associate with Sir James MacDonald in the Islay rebellion, xxxvii, xlii, xlvii, li, lii, 303, 441, 710, 721, 736, 737, 741, 758, 759, 763, 764. *See* MacDonalds of Islay.
—— (V'Phadrich), Donald, in Glenurchy, 179.
—— Donald, in Mekle Suddy, 794.
—— Duncan, fined £10 for resetting the Clan Gregor, 149.
—— Finla, in Coull of Balquhidder, fined 50 merks for the same, 227.
—— (M'Gregor), Gregor, fined for same, 53.
—— John, in Bordland, fined 20 merks for the same, 150.
—— (V'Infadrick), John Dow, 179.
—— (Amminoniche), John Dow, 179.
—— (Campbell), John Dow, in Achallander, 179.
—— John, in Coull of Balquhidder, fined £50 for the same, 228.
—— (Buchanan), Patrick, in Easter Thrid, fined for the same, 102.
MacGillichallum, Delsie, fined for the same, 121.
—— Donald, in Auchrey, fined for the same, 103.
—— (V'Patrich), Duncan, in Disho [ir], fined for the same, 103.
—— Ewir, 300.
—— John Dow, his son in Auchyoule fined £50 for resetting the Clan Gregor, 149.
—— John, maltman, fined 10 merks for the same, 149.
MacGillichoane, Donald, in Dingwall, fined for the same, 54.
MacGillichrist (V'Donchie), John Dow, in Fergyn, fined 40 merks for the same, 227.
—— John, miller in Hiltoun, 538.
—— M'Murdo, in Balmadinthy, 794.
MacGilliconill, John Dow, 440.
MacGilliglas, John, in Balquhidder, fined 50 merks for resetting the Clan Gregor, 228.
MacGillimichael (M'Angus), Donald, an Islesman, 256.
—— John, in Glenbroun, 404.
—— John, in Achlone, 404.

MacGillimichael, John Downe Angus, 697.
MacGilliriach, John, in——, 187.
MacGillivoir, Allaster, in Brae of Foss, fined £20 for resetting the Clan Gregor, 151.
MacGillivorich, Ewne, in ——, 187.
MacGillivred, James Moir, at Wester Elcheis, 796.
MacGirmane, John, in Essich, 410.
MacGorme, Agnes, in Dumfries, spouse of Robert Hachell, 649.
—— Issobell, spouse of John Johnstone at Dumfries, 635, 649.
—— James, in Treive Grange, 371.
—— James, merchant burgess of Dumfries, 635, 648, 649.
—— John Riach, in Auchnalichyle, fined for resetting the Clan Gregor, 143.
—— John Roche, elder, in Auchleakin, 404.
—— at Dumfries, John, 635, 649.
—— William, at Dumfries, 635, 649.
MacGorrie, in Ardvolrik, Duncan, fined 40 merks for resetting the Clan Gregor, 225.
—— Duncan, taken prisioner by the younger Glengarry, 347.
—— Malcolm, in Stukinrean, fined £20 for resetting the Clan Gregor, 227.
—— Parlane, in Ardleis, fined £30 for the same, 225.
MacGrassiche, Donald, in Delnabo, 404.
Macgregor, story of the continued persecution of the Clan, xvii–xxviii. *See* Gregor, Clan of.
—— Allaster Spagathe, and his brother in the custody of Gorme of Slaith, 162.
—— Allaster MacAllaster, xviii, xxv, xxvi; his death in the laird of Grant's house, 816, 820, 821.
—— Duncan MacEanduy, xviii, xxv, xxvi; in the Earl of Enzie's lands, 816, 820. *See* MacEanduy.
—— John Dow, the son of, is brought before the Council, 89, 95.
—— John (umquhile), in Glenogle, 105.
—— John Gromach, charge for the exhibition of, 112.
—— John MacConnochie V'Ean Chair, befriended by the laird of Grant, 820, 821.
—— Malcolm MacCoull, the two sons of, 89.
—— Patrick, son to Gregor M'Neill, in Ardewnik, 51.
—— Robert Abroche, renounces his name and takes the name of Ramsay, 180, 246, 813.
—— Robert MacConnoquhy, Abroche, 821.
—— of Rora, Duncan, changes his name to Duncan Gordon, 579.
MacGrewar (Greuar), Alexander, in Grodiche, fined for resetting the Clan Gregor, 103.
MacGrewar in Calyiebaillie, Callum, fined for the same, 102.
—— Finla, in Caldhame, fined for the same, 102.
—— John, in Denislundie, fined for the same, 102.
—— (Greur), John Dow, in Ballsouriche, fined for the same, 103.
—— Murdo, in Soverie, fined for the same, 101.
MacGronoch, John, in Knokyle, fined 10 merks for the same, 225.
MacGrommoyne, Finla, in Forlettir, fined for the same, 143.
MacGruder (Phegour), John, in Blairinrowar, fined 100 merks for the same, 229.
MacGrumen, Finla, in Forlettir, 309.
MacGrymmen, Finla, and James, in Ballenyden, 404.
MacHutcheoun V'Gilliespik, Allaster, 776, 779.
— Gillichallum, in Logie, fined for resetting the Clan Gregor, 122.
MacHuchison (V'Allan), William Roy, fined for the same, 122.
MacIan, Donald, Tutor of Ardnamurchan, 319, 321. *See also* MacEane.
—— (V'Ean), of Ilantyrum. *See* MacAllan.
MacIlchintyre, John, in ——, 187.
MacIlchois, Duncan, fined 10 merks for resetting the Clan Gregor, 149.
MacIlchreist, younger, fined £50 for the same, 150.
—— (V'Ewne), in Glenfalloch, 179.
—— Angus, in Lix, fined £50 for resetting the Clan Gregor, 151.
—— (V'Douchie), Callum, in Stukintibert, fined £50 for the same, 225.
—— Donald Beg, in the barony of Glenlyon, fined £50 for the same, 149.
—— (V'Eane), Duncan, in Innerchebitt, 179.
—— (V'Ewne), Duncan, in Glenfalloch, 179.
—— Duncan, in Stukloch, fined 40 merks for resetting the Clan Gregor, 225.
—— Gillicreist, in the barony of Glenlyon, fined 20 merks for the same, 149.
—— Muldoniche, fined 50 merks for the same, 149.
—— Patrick, in Tullimolene, fined £100 for the same, 150.
—— Robert, fined 10 merks for the same, 148.
MacIldoniche, Donald, in the barony of Glenlyon, fined £50 for the same, 149.
—— John Dow, in the barony of Glenlyon, fined £50 for the same, 149.

MacIldouny, Mr. Robert, 90.
MacIldreist, Alexander, and Duncan, in Drumnacarrie, fined 100 merks for resetting the Clan Gregor, 148.
MacIlfadrik, relict of Duncan M'Wattie in Shymore, 178.
—— Thomas, deceased, 178.
MacIlfersane, Malcolm, 721.
MacIlglas, servitor to Allaster MacMoig M'Mabrich, 179.
MacIlglaschrich, John Riache, brother of Donald MacInnes V'Eglasdrich in Foss, fined 50 merks for resetting the Clan Gregor, 152.
MacIlglegane, John, in Perthshire, fined £20 for the same, 148.
MacIlleiche, Jonet, in Tullair, fined 20 merks for the same, 228.
MacIllespik. *See* MacGillespik.
MacIllib (M'Nwyer Gressiche), Issobell, in Caldenoch, 178.
MacIlmichaell, Duncan, in Over Maler, fined 20 merks for resetting the Clan Gregor, 229.
—— John, in Carles, fined 10 merks for the same, 228.
—— John, in Glenlichorne, fined 20 merks for the same, 229.
MacIlmwn (Ilvaine ?), Thomas, in Bogtoun, 42.
MacIlphadrik (M'Intoll), Archibald, 179.
—— (M'Nicoll), John Dow, in Stronmessen, 179.
MacIlquhone, Donald Dow, in Drymmen, fined £10 for resetting the Clan Gregor, 226.
—— John Dow, in Tulibennochar, fined £20 for the same, 227.
MacIlra, Neill, 776.
MacIlrechallum, John Over, in Edinample Mains, fined £20 for resetting the Clan Gregor, 227.
MacIlreoch, George, burgess of Inverness, fined for the same, 53.
—— Patrick, in the barony of Glenlyon, fined 10 merks for the same, 149.
MacIlroy, John, 794.
MacIlvaird, Alexander, at the Mill of Dolles, 661.
MacIlvane, James, tailor, warded in the tolbooth of Maybole, 82.
—— John Dow, fined 50 merks for resetting the Clan Gregor, 150.
—— Thomas, at Edinburgh, 780.
—— of Grummett, John, action against, by Earl of Cassillis for riot, 40.
—— younger, of Grummett, John, 42, 82.
MacIlvie, Finla, fined £20 for resetting the Clan Gregor, 148.
MacIlvoir, John, Drumcheme, fined for the same, 53.
—— Patrick, in Dronghie, fined for the same, 103.
MacIlvorie, Dougall, in Glenlung, fined 50 merks for the same, 225.
—— John Dow, father to Dougall MacIlvorie, fined £20 for the same, 225.
—— John, in Stukdounoble, 384.
MacIlwaird, Alexander, at the Mill of Dolos, 410.
MacInche (Phale), John, in ——, 187.
MacIndo, John, in Arlewne, 585.
MacIndowy, ——, in Grassich, 179.
—— Donald, in Innerchaiyle, 179.
—— (Breiff), Donald, rebel in the Lewis, 610, 692, 697.
MacIndowne, John, in Tynnatrie, 178.
—— John Roy, and his servant Duncan Oillich MacCoull, 179.
MacInduller, John, in Luss, fined 20 merks for resetting the Clan Gregor, 226.
MacInduy (Lorne), in ——, 187.
MacInensker, Allaster, in ——, 187.
—— William, in Daltullie, 616–17.
MacIniader, Patrick Bean, in Innerecho, fined for resetting the Clan Gregor, 104.
MacInlavie, Donald, in Anny, fined for the same, 104.
MacInlay (Uig), John, in the barony of Glenlyon, fined 50 merks for the same, 149.
—— Robert, in Nether Ross, 178.
MacInleister, Marion, in Dalchone, fined for the same, 103.
MacInleishe (Blair), Donald, fined for the same, 103.
MacInleriche, Gilchrist, a prisoner, 439.
MacInlesker, Donald, in Balquhidder, fined 50 merks for resetting the Clan Gregor, 228.
—— John, in Balquhidder, fined 200 merks for the same, 228.
MacInmugatour, Ewne, in Balinacall, fined for the same, 122.
MacInnair, John, in Straid, fined 50 merks for the same, 152.
MacInnes, Allan, in Creachlie, 404.
—— Allaster, servitor to MacWilliam Moir, 404.
—— (V'Eglaschrich), Donald, in Foss, fined £40 for resetting the Clan Gregor, 152.
—— Donald Roy, and his two sons, Roy MacInnes, and Roy MacInnes (*sic*), 187.
—— Donald Our, 187.
—— (Reoch), Donald, 440.
—— Duncan, 186.

MacInnes (Reoch), Ewir, in Balliver, fined 50 merks for resetting the Clan Gregor, 227.
—— (Uyg), Finla, miller in Aberneltrie, fined for the same, 121.
—— (MacCan Dowy V'Coneill), Finla, in Apnadale, 637.
—— (Ecorrie), Gillespik, 187, 189.
—— (V'Eanduy), John, in Leshintullie, fined for resetting the Clan Gregor, 53.
—— (More M'Theothair), John, in Stradowne, 131.
—— John, 187.
—— Gillespik), John Dow, 187.
—— John Dow, in Fynryne, 404.
—— Lauchlane, in Balladmoir, fined £20 for resetting the Clan Gregor, 54.
—— Lauchlane, in Ruthven, 404.
—— William, servitor to Allaster Grant, in Wester Inirrurie, 404.
—— (V'Gibbon), William, in Erenthlie, 404.
MacInnoyer, Archibald, 636.
—— Callum, in Ardis, fined 10 merks for resetting the Clan Gregor, 225.
—— Finla, in Drummardoche, fined for the same, 104.
—— John, in Ardlewer, fined 40 merks for the same, 225.
—— Kenneth, fined for the same, 121.
—— Tarves, in Tracharvie, fined for the same, 103.
—— Walter, in Dallevie, fined for the same, 102.
MacInreoch, Ferquhar, in Glenconnaglas, 404.
—— Gillichallum, warded in Edinburgh tolbooth, 256, 300–1
—— James, in Easter Innerchebitt, 404.
—— John, in the barony of Glenlyon, fined 50 merks for resetting the Clan Gregor, 149.
MacInroy, John Begg, in Benchoyll, warded for the same, 364.
—— Sandie, in Dunbeith, 826.
MacIntagart, Donald, in Logieraitt, 220.
—— Gillichallum Quoygach, rebel in the Lewis, 610, 692, 697.
—— John Roy, fined for resetting the Clan Gregor, 121.
MacIntailyeour,——,in Innerthomtingmore, 178.
—— Allaster, in Glenbrerochan, fined £100 for resetting the Clan Gregor, 151.
—— Duncan Glas, and Neill Dow, in Ardach, fined for the same, 104.
—— Gibbon, in Tulibennochar, fined 40 merks for the same, 227.
—— (Roro), John, in the barony of Glenlyon, fined 20 merks for the same, 149.
MacIntailyeour, John, in Blairroill, deceased, 178.
MacIntalgar, Allaster, in Craigmuk, fined for resetting the Clan Gregor, 102.
MacInteir, Donald, in Balquhidder, fined £20 for resetting the Clan Gregor, 228.
—— Malcolm, in Coull of Balquhidder, fined 10 merks for the same, 228.
—— Malcolm, in Balquhidder, fined £40 for the same, 228.
—— Patrick. in Dundorne, fined 40 merks for the same, 229.
—— Patrick, in Ruthven, 404.
MacInteoch, Allan, in Inverlochie, fined for resetting the Clan Gregor, 54.
MacIntosh, Alexander, 142.
—— Duncan, fined for resetting the Clan Gregor, 54.
—— Duncan, 212.
—— Duncan, uncle to MacIntosh of Dunauchtane, 694.
—— Gillichallum, in Ulruist, fined for resetting the Clan Gregor, 54.
—— James, in Duncruben, fined for the same, 122.
—— of Aberarder, Duncan, 440–1.
—— of Boirlun, William, 67, 141, 351, 731.
—— of Darzeild, John, 67.
—— of Dunnauchtane, Sir Lauchlane, 141, 142, 152, 322, 351, 361, 375, 410, 466–7, 470, 540, 660, 661, 678, 688, 694, 731, 742–3, 767, 843.
—— the laird of. *See* MacIntosh of Dunnauchtane.
—— of Reak, William, 141, 731.
MacInturnour, Archibald, in Achingaand, 178.
—— Duncan, in Glenmukerne, 178.
—— Duncan, in Tor, fined 40 merks for resetting the Clan Gregor, 226.
—— Helen, in Porte, 178.
—— Patrick, in Edintagart, deceased, 178.
—— Patrick, at Luss, fined £10 for resetting the Clan Gregor, 226.
—— Robert, in Shymore, 178.
MacIntyre,——, wobster, in Correchoir, fined 10 merks for resetting the Clan Gregor, 227.
—— (spelt M'Kenter), Andro, 351.
—— (Beg), Duncan, fined 10 merks for resetting the Clan Gregor, 149.
—— John Dow, servitor to Patrick M'Condochie, 179.
—— Marion, in Cragan, fined for resetting the Clan Gregor, 102.
—— Patrick, in Balnaspik, fined for the same, 55.
—— *See* also MacInteir.

MacInvayne, Finlay, in Ballivoir, fined £20 for the same, 228.
—— Gillephillan, in Ballivoir, fined 50 merks for the same, 228.
MacInven, William, in Dalclathik, fined £40 for the same, 229.
MacInvoyer, Allaster, 733.
MacJames (V'Innes), Allaster, in Glenconnoglas, 404.
—— (V'Innes), Allaster, in Lacothie, 404.
—— Donald Gromiche, and his nephew, Donald MacEan, 776, 778–9.
—— (Oig Grant), Duncan, in Aviemore, fined for resetting the Clan Gregor, 53.
—— (V'Angus), Duncan, in Auchleish, fined 50 merks for the same, 148.
—— (MacPatrick), Duncan, in Lyne, 616–17.
—— Ronald, 763.
—— (Voir), William and Allaster, in Easter Camdole, 404.
MacJamie (Gaw), Angus and Donald, fined for resetting the Clan Gregor, 55
—— (Candra), Donald Dow, fined for the same 54.
—— (Gawy), Duncan, in Pharlatie, fined for the same, 54.
—— (Moir), in Pharlatie, fined for the same, 54.
MacJarves, John, in Buibea, 131, 132.
MacJohn (Dow M'William), Allaster, in Tom, fined for resetting the Clan Gregor, 53.
—— (M'Robert), Allaster, in Drumquheene, fined for the same, 53.
—— (Voir), Duncan, in Drumcheme, fined for the same, 53.
—— (Dow Uig), John, in Dalchrosk, fined for the same, 52.
—— (Douy), John, in Drumcheme, fined for the same, 53.
—— (John Rewach), William, officer in Vaternis, Harris, 634.
MacJokie, Patrick, in Culnakill, fined for resetting the Clan Gregor, 53.
Mack, George, writer to the signet, 425, 614.
MacKay, Alexander, in Artharsyre, fined for resetting the Clan Gregor, 122.
—— Andro, deceased, 792.
—— Donald, in Bordland, fined £20 for resetting the Clan Gregor, 150.
—— Donald, liberated from prison, 439.
—— Donald, in Cogich, charged with stealing "ane broun turse horse," 488.
—— Gillichreist, in Bordland, fined £20 for resetting the Clan Gregor, 150.
—— James, in Rathiemurchis Maynes, fined for the same, 120.
MacKay, John Dow, brouster in Duthell, fined for the same, 120.
—— (V'Gillespik), John, fined 100 merks for the same, 150.
—— John, prisoner in the Tolbooth of Edinburgh, 439, 678.
—— Neill, in Islay, 733.
—— of Auchinbrosche, Donald, 376.
—— of Strathnaver, Sir Donald, cautioner, 771, 773. *See also* McKy.
MacKavie, Patrick, fined for reset of the Clan Gregors, 120.
MacKaw, Angus, at the Port of Tullimet, 508.
MacKechen, Allaster, in Lerges, fined for resetting the Clan Gregor, 54.
MacKenzie, relict of Peter Colquhoun, in Auchinvennell, 178.
—— Donald, in Dolmore, brother of Malcolm MacKenzie, 265.
—— (Gillimartin), Doull, 187.
—— Issobell, relict of John MacKenzie in Ratirnes, in Lewis, 634.
—— Mr. John, minister at Dingwall, fined for resetting the Clan Gregor, 122, 162, 496, 514, 772, 844.
—— John, at Ratirnes, in the Lewis, murder of, by pirates, 634.
—— Mr. John, Archdeacon of Ross, and minister of Killernan, 794.
—— Kenneth, in Barra, 4, 5.
—— Murdo, brother to the Tutor of Kintail, and to MacKenzie of Killin, 610, 692, 697.
—— Murdoch, murdered, brother of Donald Mackenzie, in Dolmore, 265.
—— (MacAllaster Roy), Rorie, in Sligo, tenant of Mr. John Mackenzie at Dingwall, 496.
—— of Cogach, Rorie, Tutor of Kintail, xxii, xxiii, xxix, liii, 4, 33, 60, 90, 122, 162, 209, 300–1, 302, 303, 346, 605–6, 609–11, 692, 697, 728, 729, 731–2, 732–3, 733, 756, 776, 844.
—— of Coull, Alexander, 300–1, 610, 692, 694.
—— of Davachmalnag, 610, 692, 697.
—— of Kemnok, Mr. Alexander, 300–1.
—— of Killin, Mr. Colin, brother to the Tutor of Kintail, 610, 692, 697.
—— of Kintail, the late Lord, 327.
—— of Kintail, Colin, Lord, 302, 327, 346; justice of the peace, 619; exempted, with his friends, from other service, in respect of their employment in keeping the Lewis, 767, 817.
—— of Reidcastell, Rorie, xxii; fined £4000 for resetting the Clan Gregor, 122, 162.

MacKenzie of Stragarve, Mr. Colin, 300–1.
MacKepnā, (?), Patrick Dow, in Apnadale, tenant of Menzies of that Ilk, 637.
MacKercher (V'Comes Roy), Allaster, in Innerurie, 404.
—— John, in Glenbroun, 404.
—— John, domestic servitor to Mr. John Mackenzie, 496.
MacKerlich, John, in Finlarg, fined 300 merks for resetting the Clan Gregor, 152.
—— Robert, in Laidard, fined for the same, 102.
MacKermeid, Duncan, fined 10 merks for the same, 149.
—— Finla, in the barony of Glenlyon, fined £20 for the same, 149.
—— Finla Dow, in the barony of Glenlyon, fined 50 merks for the same, 149.
MacKerres, Donald, in Cragan in Strathyre, fined for the same, 102.
MacKeslik, Patrick, in Dundorne, fined £20 for the same, 229.
MacKessane, Alexander, at the kirk of Kilmaling, fined for the same, 104.
MacKeth, John, in Carbonarrach, fined for the same, 102.
MacKewall, Donald, in Dalclathik, fined 40 merks for the same, 229.
Mackey, Donald, 321.
MacKie, Andro, in Arnecreich, 38.
—— Gilbert, in Strongarvald, fined for resetting the Clan Gregor, 103.
—— John, in Over Denmure, 432.
—— of Larg, Sir Patrick, 116.
Mackieson, Henry, servant of laird of Largo, 6, 27, 135, 386, 609, 659.
—— John, farmer of customs, 247; bids for the new tack, 620.
—— John, commissioner for the burgh of Crail, 572.
—— William, in Clasmoir, fined for resetting the Clan Gregor, 102.
MacKindullony, John, 178.
MacKinla, Donald Bane, in Balquhidder, fined for resetting the Clan Gregor, 228.
—— (Roy), Duncan, in the barony of Glenlyon, fined 50 merks for the same, 149.
—— (V'Ewne), Duncan, fined 20 merks for the same, 149.
—— Fergus, in the barony of Glenlyon, fined 50 merks for the same, 149.
—— John Dow, fined 10 merks for the same, 148.
—— John, in Ardvulvoir, fined 200 merks for the same, 151.
—— (Vane), John, in Cartroun, fined £20 for the same, 228.
MacKinla, Laurence, in Balquhidder, fined 20 merks for the same, 228.
—— Malcolm, in Coull of Balquhidder, fined £10 for the same, 228.
—— (Menzies), Patrick, fined 50 merks for the same, 150.
—— Petrie, deceased, 178.
—— William, in Auchriachan, fined £100 for resetting the Clan Gregor, 143.
—— (V'Connoquhie), William, fined for the same, 120.
MacKinnon, Ewne and John, uncles of Sir Lauchlane MacKinnon, 774.
—— Neill, witness, 780.
—— of Strathordell in Skye, Sir Lauchlane, one of the Barons at the Court of Icolmkill in 1609, 346, 347, 575, 579, 588, 606, 626, 698, 699, 707; commission to, against the rebels in Islay, 731–3, 738, 739, 756, 772; band of, 773–6; nominates those of his clan who are disobedient, 776.
MacKinkatanach, servant of the Earl of Caithness, 823.
MacKinkear, Ewne, in ——, 187.
MacKnab. *See* MacNab.
MacKnellane, Angus Oig, in Innerkinglas under Lochneill, 179.
MacKoche, John, in Cassillis, usury case, 411.
MacKy, ——, prisoner in Edinburgh, 765.
—— of Farr, Donald, xxxv, 78, 491; commissions of fire and sword against Cameron of Lochiel to, 185–6, 189–91, 223, 491. *See also* MacKay.
MacKynnell, John, in Bighills, 391.
MacKynnock, Thomas, in Dowart, fined for resetting the Clan Gregor, 103–4.
MacLagan, Donald, in Bofrak, fined £100 for the same, 151.
—— Duncan, in Bofrak, fined 100 merks for the same, 151.
—— William, fined 20 merks for the same, 148.
MacLaren. *See* MacLauren.
MacLauchlane (V'Londochie), Allaster, in Wester Innerchebitt, 404.
—— Donald, 344.
—— (V'Donald V'Eanduy), Lauchlane, 132, 201, 202, 443.
—— Robert, in Auchinerll, fined 20 merks, for resetting the Clan Gregor, 228.
—— Thomas, in the Miltoun of Aberfoyle, fined for the same, 102.
—— Thomas, in Kynnach, fined for the same, 226.
—— Thomas, in Glenbroun, 404.

MacLauchlane (V'William), William, in Kerarmoir, fined for resetting the Clan Gregor, 54.
—— the laird of, 763.
MacLauren, MacLaren: Duncan, an Orkney prisoner, liberated, 301.
—— Gillespik, in Offerres, fined for resetting the Clan Gregor, 104.
—— John, in Glenbeth, fined 200 merks for the same, 228.
—— John, in Ardclossan, fined £100, and his son Laurence there, fined £40 for the same, 229.
—— John, in Dundorne, fined £20 for the same, 229.
—— Patrick and John, in Easter Brigend, fined for the same, 103.
—— Robert, in Stank, and Donald his son, fined for the same, 104.
—— William, commission of justiciary against, 668.
MacLean, Allan, brother to MacLean of Lochbuy, 774.
—— Allan and John, uncles to MacLean of Coll, 774.
—— Allan MacEanduy and Hector MacLean, son and grandson to MacLean of Duart, 776.
—— Allan, Gilleane, and Charles, brothers to MacLean of Duart, 776.
—— Hector, brother to MacLean of Duart, and his son, Hector, 776.
—— John Garrow, 776.
—— Lauchlane, brother of MacLean of Duart, warded in Edinburgh Castle, 575, 579, 588, 772, 776.
—— Murdo, uncle to MacLean of Lochbuy, 774.
—— of Coll, one of the chiefs of the Icolmkill Band, xxx, xxxviii, lvii, 706–7, 707, 731–3, 772, 773–6, 775.
—— of Duart, Hector, one of the chiefs of the Icolmkill Band, xxx, xxxvi, xxxviii, lxviii, liii, lvii, lviii, 232, 303, 346, 347, 420, 573, 574–5, 579; warded in the Castle of Edinburgh, 588, 591, 626, 653–4; new band by, 693–4, 698, 699, 707, 727, 731–3, 738, 739, 740, 741, 756, 772; names upon his oath the chief persons in his clan, 776; is allowed eight household gentlemen, and undertakes to reside at Duart, 776, 780, 781, 810, 818.
—— of the Knoke, Angus, 694.
—— of Lochbuye, one of the chiefs of the Icolmkill Band, xxx, xxxviii, lvii; ratification of the Band of Icolmkill by, 698, 707, 731–3, 772, 773–6, 775.
MacLean of Pennygall, Donald MacIlwray, 694.
—— of Torloisk, Lauchlane, brother of MacLean of Duart, 653–4.
MacLehose, William, indweller in Edinburgh, 426.
MacLeiche, Finla, in Brannachyle, fined for resetting the Clan Gregor, 103.
MacLellan, action against, by Dalzell, 322.
—— Archibald, in Mydros, 178.
—— Thomas, brother of MacLellan of Myletoun, 58.
—— William, commissioner for the burgh of Kirkcudbright, 572.
—— of Arrymen, John, 385.
—— of Auchlane, Sir William, 154, 195, 400, 402.
—— of Bomby, Sir Robert, 106, 124, 163.
—— of Gelstoun, Sir Thomas, 106, 123, 194, 195.
—— of Gregorie, Harbert, 58.
—— of Myletoun, James, 58.
—— of Nether Thrid, William, cautioner, 154.
—— of Overlaw, William, one of the two commissioners for superintending the commerce with Ireland at the authorised Scottish ports, 566, 569, 570.
MacLeod, Alexander, brother to MacLeod of Harris and Dunveggan, 33.
—— Allaster, brother to Macleod of Harris and Dunveggan, 774.
—— Angus MacConeill, his son, a fugitive in Ireland, 765.
—— Donald, son of Neill MacLeod "the traytour," 4, 100, 101, 610; warded in the Tolbooth of Edinburgh, 691; tried and banished, 691 n., 692, 697.
—— Gilliechallum MacRorie, friend of Sir James MacDonald, to be tried at Inverness, 605–6, 634, 669–70, 729, 737, 741.
—— Malcolm MacRorie, accomplice of Neill MacLeod, the traitor, 3, 33, 91, 609–11, 634, 692, 697, 715, 721, 727–8, 728.
—— Neill, in the Lewis, "callit traytour," the one of the Island Chieftains who with his kinsfolk and clansmen remained rebellious after the others had made their submissions, captured by MacLeod of Dunveggan, 3, 4, 100–1; executed, 610, 691, 691 n., 692, 697.
—— Norman, in the Lewis, sent into foreign banishment, 302, 728.
—— Rorie MacNeill, 4, 610, 692, 697; warded in the Tolbooth of Edinburgh, 256, 259; liberated and sent into banishment, 302, 728.

MacLeod, Rorie, sometime in the Lewis, father of Malcolm MacRorie, 610, 692, 697.
—— Rorie, brother of same, 610, 692, 697.
—— William MacRorie, brother of the same, 3, 33, 609–11, 610, 692, 697.
—— of Dunveggan, William, deceased, 817.
—— of Harris and Dunveggan, Sir Rorie (Ruari), nephew of, and appointed successor to, the late William MacLeod of Dunveggan, 817, 818, xxx, xxxviii, xlviii, liii, lvii, captures MacLeod "the traitour," 3, 19, 33, 60, 91, 108, 123, 256, 259, 300, 303, 318, 332, 346, 347, 489, 579, 588, 606, 626, 634–5, 691, 692–3, 698, 699, 707, 715, 727–8, 729, 730, 731–3, 738, 740, 741, 748, 756, 771, 772, 773–6, 774, 776.
MacManis, Robert, in Arnburne, 178.
MacManus, Robert, in Porte, 178.
MacMartin, Donald, fined 50 merks for resetting the Clan Gregor, 149.
—— Finla, in the barony of Glenlyon, fined 10 merks for the same, 149.
—— (Mertine), John Dow, in Lix, fined 20 merks for the same, 151.
—— (Mertene), John, oisler in Ballimacha, fined 10 merks for the same, 225.
MacMath, James, 259.
—— James, in Kirkinhair, 688.
—— John, 260.
—— of Dalpedder, Mr. James, justice of the peace in Dumfriesshire, 73.
MacMichael, John, in Thomedew, 796.
MacMigataur, John, fined £10 for resetting the Clan Gregor, 228.
MacMillagane, the late John, murder of, 309.
—— John Glas, brother of the above, 309.
MacMillan, Thomas, at Dumfries, 635.
MacMirrie, John Dow, in Asblane, fined 200 merks for resetting the Clan Gregor, 228.
—— John, in Coull of Balquhidder, fined £100 for the same, 228.
—— John Over, in Letter, fined 200 merks for the same, 228.
—— Patrich Galt, in Asblane, fined 500 merks for the same, 228.
MacMoig (MacMabrich), Allaster, and his brother Archibald, in Glencoe, 179.
—— Ewne, 186.
MacMollance, Thomas, at Dumfries, 649.
MacMorran, Ninian, elder, merchant burgess of, and bailie of Edinburgh, portioner of the King's lands of King's Barns, 98, 123, 240, 814; tackman of customs, 38–9.
—— Ninian, younger son of the bailie, 98.
MacMorris (spelt Moreis), Finla Roy, in Mollock, 179.
MacMorris, Finla, in Creithall, fined 10 merks for resetting the Clan Gregor, 226.
—— Finla, at the Mill of Buchanan, fined 40 merks for the same, 226.
MacMuie, in Innerroytachan, 178.
MacMungane, William, in Lynchorne, fined for resetting the Clan Gregor, 120.
MacMungatour, Donald, in Balquhidder, fined 50 merks for the same, 228.
MacMurthie (MacWilliam MacIlroy), Finlay, tried for murder, 286–7.
MacMwriche, Alexander, in Farlarie, 223.
MacNab, John Roy, in Glenlednok, fined 50 merks for resetting the Clan Gregor, 229.
—— Thomas, in Dunkeld, 212, 220.
MacNair, Duncan, in Craigmewin, fined £10 for resetting the Clan Gregor, 227.
—— Gibbon Dow, in Ferquhansie, fined 20 merks for the same, 227.
—— Patrick, in Darquhallich, fined 100 merks for the same, 150.
—— Fledger, servitor to MacCondochie, 179.
—— Robert, in Dronghie, fined for resetting the Clan Gregor, 103.
MacNaroy, John Dow, fined for the same, 151.
MacNaucht, John, burgess and bailie of Edinburgh, tutor to the son of the late MacNaucht of Kilquhennadie, 392, 526–7, 552.
—— Jonet, Issobell, and Katherine, daughters and executors of the late Rodger MacNaucht, 365, 375.
—— Rodger (late), merchant burgess of Edinburgh, 365.
—— of Kilquhennadie, John, slaughter of, by Maxwell of Logan, 526–7.
—— younger of Kilquhennadie, 552.
Macnee. *See* MacNie.
MacNeill, Donald, in Strabane, fined 100 merks for resetting the Clan Gregor, 151.
—— (M'Finla), Donald, rebel in the Lewis, 610, 692, 697.
—— (V'Sorlie), Donald Bain, in Vaternis, Harris, 634.
—— (Guone (?)), Donald, 776.
—— Duncan Reoch, and Donald Our, in Grodiche, fined for resetting the Clan Gregor, 103.
—— (written O'Neill) (V'Ewne), Duncan, 187.
—— Gillichallum, a natural son of MacNeill of Barra, 4.
—— Gillivane, a natural son of the same, 42, 808.
—— Gillevuan Oig, lawful son of MacNeill of Barra, 6–7.
—— Gregor, in Ardewrik, 51.

MacNeill, Hector, in Carskeich, 733.
—— John Bayne, in Blarvyok, fined for resetting the Clan Gregor, 102.
—— Malcolm, in Ballincraig, fined 50 merks for the same, 148.
—— Malcolm, uncle to MacNeill of Tawneishe, 733.
—— Neill Oig, a natural son of MacNeill of Barra, 4, 5, 6–7, 19, 42, 808.
—— Rorie, servant and son natural to MacLeod of Dunveggan, 693 and n.
—— of Barra, Rorie (Ruari), xxxii; with his lawful son, Gillevuan Oig MacNeill, and his lawful spouse Moir Nine Allan, sister to the Captain of Clanranald, in the Castle of Kismule, captured and detained there by his two natural sons and their accomplices, 6–7, 19, 42.
—— of Taynish (Tawneishe), Hector, 733.
MacNeit, Donald Leich, brother of Robert MacNeit, fined 20 merks for resetting the Clan Gregor, 226.
—— Ferroquhair, in Nethir Baurie (deceased), his relict, 178.
—— Robert, in Stron of Luss, fined £20 for resetting the Clan Gregor, 226.
—— Thomas, in Auldcly, 178.
MacNellane, Patrick, in Finlas, 178.
MacNewie, Gillichreist, in Coilhurne, 179.
MacNicoll, John Dow, in Downye, caution for, 89.
—— John, in Guye, 220.
—— John Galt, in Tullair, fined 80 merks for resetting the Clan Gregor, 228.
MacNie, Andro, in Callendar, fined for the same, 103.
—— Donald, in Balquhidder, fined £20 for the same, 228.
—— Gilmorie, in Balquhidder, fined 50 merks for the same, 228.
—— John, in the barony of Glenlyon, fined 50 merks for the same, 149.
MacNoyer, Donald Gorme, in Stronfin, fined 20 merks for the same, 227.
—— Duncan, in Stronfin, fined 20 merks for the same, 227.
——John,in Deldorane,fined for the same,103.
—— John, in Balquhidder, fined £20 for the same, 228.
MacNoysser, John, in the Bray of Lanye, fined for the same, 105.
MacNuyer, Donald, in Glenfalloch, 179.
MacOneill (MacWilliam), James, fined 50 merks for resetting the Clan Gregor, 148.
—— (V'John, V'Allaster), John, in Tulliche, fined 100 merks for the same, 148.
MacOneill (V'Kercher), Thomas, 404.
MacOr, Callum, in Rannach, fined 50 merks for resetting the Clan Gregor, 152.
MacPhatrick, ——, now in the Burn of Kilmorick, 220.
—— Donald, in Ballichallum, fined for resetting the Clan Gregor, 102.
—— (Voir), Allaster, in Achlome, 404.
—— (Dwy V'Aves), Callum, in Corrierclat, fined 20 merks for resetting the Clan Gregor, 227.
—— (Beg), Donald, in Drumnacarrie, fined £50 for the same, 148.
—— Donald, in Derie, fined £100 for the same, 227.
—— (M'Eanroy), Duncan, in Urquhart, fined for the same, 121.
—— Duncan, in Derie, fined £10 for the same, 227.
—— Gregor, 813.
—— James Dow, in Glenlichorne, fined 40 merks for resetting the Clan Gregor, 229.
—— (Weig), James, in Inirrurie, 404.
—— (V'Jokie), John, in Clun, fined for resetting the Clan Gregor, 53.
—— (More), John Dow, in Bordling, fined £10 for the same, 148.
—— (Vean), John, fined 100 merks for the same, 151.
—— (V'Aves), John, in Faslen, fined 50 merks for the same, 226.
—— John Dow, son to Malcolm M'Phadrich, fined £10 for the same, 227.
—— (Veig), John, in Inirrurie, 404.
—— (Guy), John, 812.
—— Malcolm, father to John Dow MacPhadrich, 227.
MacPaull (V'Cleriche), John Dow, 59.
MacPherson, Angus, 142.
—— Donald, in Pittewrie, fined for resetting the Clan Gregor, 54.
—— Donald, in Killernochie, fined for the same, 54.
—— Donald, in Corribruoch, fined for the same, 121.
—— James (MacJames), Dellatour, fined for the same, 54.
—— John, in Invermerkie, fined for the same, 55.
—— Neill, in Ferlingcarie, fined £20 for the same, 225.
—— Paul, in Lony, fined for the same, 54.
MacPhie, laird of, a follower of Sir James Macdonald, 347, 759, 764.
MacPorter, William, in Bordland, fined £20 for resetting the Clan Gregor, 150.

MacQueen, Duncan, burgess of Perth, 659.
—— Ewne, in Moirclune, fined for resetting the Clan Gregor, 122.
—— James, in Innerlednane, fined for the same, 53.
—— John, in Belnaporte, fined for the same 121.
—— John, brother of MacQuene of Corribruoch, 141, 731.
—— Kenneth, witness, 780.
—— Malcolm, in Drumnacarrie, fined £50 for resetting the Clan Gregor, 148.
—— Thomas, in Auchingyle, fined £40 for the same, 225.
—— of Corribruoch, Donald, 141, 660, 731.
MacQueven, James, in Stukdownoble, 384.
MacQuhaillie, James, in Craigdarg, fined £50 for resetting the Clan Gregor, 149.
MacQuorgle, Isaac, in Drumnacorrie, fined 50 merks for the same, 148.
MacRaichan (V'Donchie Duy V'Allester), Angus, 729.
MacRaith, Thomas, at Maybole, 130.
MacRitchie, Alexander, in Balmadinthy, 794.
MacRobb, John, at Allinan, fined for resetting the Clan Gregor, 102.
—— Patrick, in Dowart, fined for the same, 104.
MacRobene, John, in Knokyle, fined 10 merks for the same, 225.
MacRobert (M'Allaster), Allaster, in Uruardbeg, fined 1000 merks for the same, 149.
—— (Voir), Alexander, in Rannacraig, 104.
—— Cristine, spouse to Augustine Baxter, 796.
—— Donald Roy, in Glenchrynning, 179.
—— John, "the officer's son," fined 10 merks for resetting the Clan Gregor, 226.
—— (Voir), Robert, in Runnacraig, fined for the same, 104.
—— Stevin, in Tuneraw, 179.
MacRobbie, Allaster Cam, sometime in Urchnie, 132, 201, 202.
—— (Mitchell), John, in Easter Innerchebett, 404.
MacRonnald, or MacRanald, son of Sir James MacSorle, 764.
—— (V'Angus V'Allaster), 729.
—— (Coll MacGillespic), associate of Sir James Macdonald, pursuit of, 346.
—— (Coll), 710, 721.
—— (Calboigh), Allaster, 776, 779.
—— (MacAllaster V'Eanduy), Angus, 2.
—— Archibald, 721.
—— Donald Gorme, 710.
—— Gillespick, 710.
—— John, in Uist, denounced, 4, 5.
MacRonnald, Ronald, in Inche of Lochaber, fined for resetting the Clan Gregor, 54.
—— of Keppoch, Gargavach, and Lochaber, Allaster, in rebellion with Sir James MacDonald of Islay, xlv–vi, 330, 330 n., 346, 347, 405, 513, 514, 577, 582, 734, 735, 736, 737, 741, 742, 758, 759, 763, 765, 767, 768, 769, 781, 840.
—— Ranald, eldest son of the above, with his father and Sir James MacDonald of Islay, 330, 330 n., 346, 347, 577, 734, 735, 736, 737, 741, 742, 758, 759, 763, 765, 767, 768, 769, 840.
MacRorie, Donald, Captain, of Duart, 776.
—— Duncan, in Arbeth, fined 50 merks for resetting the Clan Gregor, 227.
—— (V'Coneill V'Ean), Ean, 774.
—— Gillichallum, brouster, fined for resetting the Clan Gregor, 121.
—— John, [illegible]trick Knoydert, and his son Duncan, 60, 208.
—— Laur[illegible]dger, in Arbeth, fined 40 merks for resetting [illegible]ert, Clan Gregor, 227.
—— Malco[illegible]n [illegible] Dow, in Glenbeth, fined 50 merks for [illegible]the same, 228.
—— (M'L[illegible]od), Malcolm, an Islay rebel, 256, 303.
—— (V'Ewne), Thomas, fined for resetting the Clan Gregor, 121.
MacRowman, Patrick, in Edinample Mains, fined £4 for the same, 227–8.
MacSewne (Grant), John, fined for the same, 120.
MacSorle or MacSorley. *See* MacDonald and Cameron.
MacSpiddane, William, in Windiehill, usury case, 411.
MacTaggart, William, 42.
MacTarligh or Tarliche, Donald Reogh, 776.
—— (V'Donald), Eane, 776.
—— Hector, in Inverbruoch, fined for resetting the Clan Gregor, 122.
—— John Roy, an Islay rebel, 776.
MacTarres *alias* Fergusson, Finla, in Tombey, fined for resetting the Clan Gregor, 104.
MacThomas (M'John M'Robert), Allaster, in Duncastell, fined for the same, 53.
—— Allaster Dow, fined for the same, 54.
—— (Croy), Allaster, fined for the same, 120.
—— (V'James), Donald, fined for the same, 120.
—— (V'Kay), Donald, in Easter Bennachar, fined for the same, 122.
—— (Eyer), Gorie, fined for the same, 122.
—— (V'Kenneth), John, fined for the same, 120.
—— (Crieff), John, in Chapeltoun, under Sir

James Stewart, fined 500 merks for the same, 150.
MacThomas (V'Kay), Patrick and Thomas Beg, in Clune, fined for the same, 122.
—— William, in Tulloch, fined for the same, 121.
—— (V'William), William, in Rathiemoone, fined for the same, 121.
MacThornik, John, in Balquhidder, fined 50 merks for the same, 228.
MacTormont, Neill, and his son Murdo, 774.
MacTorquill (Blair), John Roy, 610, 692, 693, 697.
—— (Blair), Murdo, 610, 692, 693, 697.
—— (Blair), Normond, 610, 692, 693, 697.
MacVaird (V'Murchie,) Gillichrist, in Harris, 634.
MacVairtene, David, in Drumcheme, fined for resetting the Clan Gregor, 53.
MacVeane, Donald, servant to Graham of Drenie, 496.
MacVeillan, Allaster Roy, in Dingwall, fined for resetting the Clan Gregor, 54.
MacVeitch, Malcolm, in Garrowstuk, fined 20 merks for the same, 225.
MacVeriche, John, in Tullair, fined 10 merks for the same, 228.
MacVirich, Allaster, in Kirktoun of Blair, fined 50 merks for the same, 149.
—— John Dow, fined 10 merks for the same, 149.
MacVicar, Donald and John, prisoners in the Tolbooth of Edinburgh, 439, 678.
MacVoreis, Allaster, fined for resetting the Clan Gregor, 53.
—— Gillebreid, in Arrochiemoir, fined 10 merks for the same, 225.
—— John, in Arrochiemoir, fined 40 merks for the same, 225.
—— John, in Finlaglen, fined 40 merks for the same, 229.
—— Patrick and Donald in Lanye, fined for the same, 104.
—— Patrick, in Tullair, fined 50 merks for the same, 228.
MacVorich, Donald, in Coull of Balquhidder, fined 10 merks for the same, 228.
—— Finla, in Balquhidder, fined £4 for the same, 228.
—— John, in the barony of Glenlyon, fined £10 for the same, 149.
—— Malcolm, in the barony of Glenlyon, fined 50 merks for the same, 149.
MacWalter, ——, relict of Patrick Colquhoun, in Porte, 178.
MacWalter, John Graham, in Duchrey, fined for resetting the Clan Gregor, 102.
MacWatt, Walter and Donald, in Gartavarrane, fined for resetting the Clan Gregor, 101.
MacWattie in Glenmakarne (deceased), 178.
—— Allaster and Robert, in Glenmakarne, 178.
—— Gilbert, in Currichinnachan, 178.
—— Gilbert, in Innergilan, fined 20 merks for resetting the Clan Gregor, 225.
—— Katherine, in Edintagart, relict of Patrick MacInturnour, 178.
—— Patrick Dow, in Drummukinwinning, 178.
—— Rob Gib, 178.
—— Robert, in Edintagart, 178.
—— Robert More, in Glenmullochan, deceased, his relict, 178.
MacWilliam, ——, relict of Thomas MacIlfadrick, 178.
—— (Menzies), Alexander, fined 100 merks for resetting the Clan Gregor, 148.
—— (M'Coneill V'Eir), Allaster, fined for the same, 54.
—— (Voir), Allaster, in Corquhillis, fined for the same, 120.
—— (V'Eanroy), Allaster, by East Tullich, fined for the same, 120.
—— Allaster Roy, in Auchnahernich, fined for the same, 121.
—— (M'Neill), Allaster Stewart, in Straloch, fined 500 merks for the same, 151.
—— Callum, in Innerulas, fined £20 for the same, 225 ; also Robert, his son, there, fined £10, 225.
—— (Uig), Duncan, in Gramache, fined for the same, 120.
—— (V'Eane), Duncan, in Auchlorne, fined £50 for the same, 143.
—— Duncan Dow, in Pittivene, fined £20 for the same, 149.
—— Helen, in Shebeg, 178.
—— (Voir), James and Allaster, in Auchnahyle, 404.
—— (V'Allan), James, in Dalliverar, fined for resetting the Clan Gregor, 143.
—— (V'Ean), John, in Tulloch, at the horn for the same, 71.
—— (V'Eane), John, in Tulloch, tenant and servant of the laird of Grant, fined for the same, 120, 139.
—— (V'Allan), John Grant, in Auchinnerrair, and Duncan, his brother, fined for the same, 121.
—— (V'Eur), John, in Raikmoir, fined for the same, 122.

MacWilliam, John Dow, in Bofalie, fined 50 merks for the same, 151.
—— John and Andro, in Achingaand, 178.
—— John, in Tullichorm, fined £80 for resetting the Clan Gregor, 225.
—— John Moir, in Corrierclat, fined 20 merks for the same, 227.
—— John, in Garrowstuk, fined £20 for the same, 227.
—— John Dow, in Corrierclat, fined 10 merks for the same, 227.
—— (Moir), John, in Auchnahyle, 404.
—— (Voir, John, at Auchnahyle, and his son Allaster, 404.
—— (V'Age), John, in Wester Inirrurie, 404.
—— Malcolm, in Dun, fined £20 for resetting the Clan Gregor, 225.
—— (Stewart), Neill, at Drumnacarrie, fined for the same, 148.
—— Parlane, in Glenmullochan (deceased), his relict, 178.
—— Parlane, in Ardleis, fined £50 for resetting the Clan Gregor, 225.
—— Patrick, in Glenmullochan, the relict of, 178.
—— (V'Age), Patrick Dow, in Ballenyden, 404.
—— (Moir), Patrick Dow, in Tomaclagane, 404.
—— Robert, in Callender, fined for resetting the Clan Gregor, 143.
—— Thomas, in Rathiemoone, fined for the same, 120.
—— (V'Leod), William, 774.
MacWillie, John, in Drymmen, fined 10 merks for resetting the Clan Gregor, 226.
MacWrittie, Ewne, in Gya, 733.
MacYeachan, Allaster, in Wester Largs, 141.
Mader, of Langtoun, William, 165.
Madertie, James, Lord, xxi, 114; one of the landlords of the Clan Gregor, 133; justice of the peace for Perthshire, 168, 180, 212, 246, 608, 694.
—— John, master of, 813.
Maitland, Walter, in Forterletter, tenant of Gordon of Geycht, 421–2.
Maiver, Mr. Thomas, advocate, 700.
Makeane. *See* MacEan.
Makiesoun. *See* Mackieson.
Malcolm, Mr. John, minister of Perth, appears before the Court of High Commission at St. Andrews, 380 n.
—— John, in Hoill of Ballagan, 585.
Malice, Constant or Constantine, bailie of Perth, 342; commissioner for the burgh, 506.
Maling, John, in Grange, prisoner at Cupar in Fife, 643, 644.
Man, Adam, servant to Robert Stirk, 396.
—— Allan, an alleged thief, 322.
—— David, 826.
—— James, 826.
Manslaughter (cases of), 457–8, 475.
Many, Margaret, wife of Home of Carrelsyde, 479, 489.
Mar, David, in Spott, commission of justiciary against, for stealing sheep, 162.
—— Walter, servant to Michael Tostis, 427.
—— William, trumpeter, 453.
—— John Erskine, 7th Earl of, v, xii, xiv, 75, 94; a case remitted by the Council to be tried by him and his bailies of the barony of Carnwath, 137, 210; letter of Council to, 152; commissions to, 180, 209–10, 265; commissions of the peace to, 211, 266, 637, 668; sheriff of Stirling, 219, 277; appointed a Commissioner in the New Court of High Commission, 437 n.; 515, 627–8; appointed to the offices of Lord High Treasurer, Comptroller, and Treasurer of the New Augmentations, 674–5; account of his career to the year 1616, when he was appointed Treasurer, 676 n.; 745, 815, 821; signs for Council, 51, 292, 332, 492, 555, 559, 584, 637, 665, 666, 667, 668, 678, 686; present in Council, 29, 37, 44, 48, 70[2], 81, 169, 170[2], 171, 172, 174, 175, 197, 198, 243[2], 246, 251, 287, 288, 292[2], 293[3], 294, 300, 311, 331, 332, 333, 340, 348, 362, 363, 364, 553, 555, 556[2], 559, 582, 583, 592, 595, 597, 605, 623, 627, 638, 639, 652, 658, 659[2], 660[2], 665, 667, 669, 673, 674, 677[2], 681, 686.
—— Countess of, mother of the 7th Earl, 676 n.
March, the Earldom of, commission of justiciary to the steward of, 401.
—— David, maltman, 235, 790.
Marchant, John, servitor to Thomas Fallisdaill, 793.
Marches, riding of the, by the magistrates of Selkirk, 341.
Marchiestoun, Thomas, flesher, indweller in Leith, 1.
Marco, a Christian, rescued from slavery among the Turks, 465.
Mariculter, the Vicar of, 173.
Mariculture, Anthone, 604.
Marischal, George Keith, Earl of, v, xiii; commissions of the peace to, 67, 266; appointed a Commissioner in the New Court of High Commission, 437 n., 119, 351, 354,

374, 413, 678 ; signs for Council, 152; present in Council, 144.
Marischal, Countess of. *See* Ogilvie, Dame Margaret.
Marjoribanks, Joseph, bailie of Edinburgh, 111, 436–9, 574, 640 ; against Archibald Campbell (red herring case), lxii, 436, 591, 640.
Markets, change of certain market-days from Sundays to week-days, 167 ; at Stirling, 193–4 ; at Clatt, 363, 375 ; at Edinburgh, Canongate, and Leith, 527.
Market Crosses: of Edinburgh, Perth, Dundee, Aberdeen, St. Andrews, Glasgow, Stirling, Ayr, proclamation to be made at, 601.
Marriages, Act for registration of, 687.
Marshall, Mr. Edward, 303 ; commissary of Lauder, 486 ; commissary clerk of Edinburgh, 524, 845.
—— Gilbert, merchant burgess of Edinburgh, cautioner, 154.
—— James, messenger, 350, 352.
—— James, merchant burgess of Perth, 442, 585, 592.
—— John, 91.
—— William, in Balquhairne, 389, 403.
Martin, Alexander, 123.
—— Andrew, secretary to the Earl of Orkney, executed for treason, lxv, 281, 297 n.
—— Arthur, in Inglistoun, usury case, 411.
—— James, 331.
—— James, appears as procurator, 448.
—— Mr. James, D.D., Principal of one of the Colleges of St. Andrews, 588 n.
—— James, burgess of Edinburgh, 628.
—— John, in Over Kellie, 38.
—— John, deceased, 411.
—— John, in Torthorwald, 444.
—— of Cambo, Thomas, 6.
Mary, Queen of Scots, reference to a bed sewn by her in gold, silver, and silk, 625.
Mason, James, "born at Bannockburne beside the burgh of Stirling," warded in the Tolbooth of Duns for theft, 57.
—— Captain John, indweller in King's Lynn in England ; his ship, callit the "Neptune" seized off Thurso by John Sinclair, 348 ; imprisoned as a pirate in the Tolbooth of Edinburgh, 350–1, 352 ; surrenders his ship to the Treasurer Depute, 383, 383 n., 389.
—— John, in Hoill of Braid Gait, 585.
—— John, in Balmadinthy, 794.
—— Robert, merchant burgess of Edinburgh, 642, 651.
—— Samuel, burgess of Aberdeen, 118.
Mason, Thomas, 791.
Mass, illegal celebration of, 126, 813–14, 815, 816. *See* Church and Religion.
Master Cunyeour, The. *See* Foullis.
Masterton, Andro, burgess of Kirkcaldy, 578, 786.
—— James, 84.
—— James, merchant burgess of Edinburgh, cautioner for the Earl of Mar, 265.
—— James, mariner in Leith, 444.
—— Robert, bailie of Culross, 390.
—— Robert, in the Park Mill of Alloway, tenant of the Earl of Mar, 627, 628.
Mathie, Thomas, in Arnecreich, 38.
Mathieson, Alexander, messenger, 487.
—— Andro, at Pittenweem, 791.
—— James, mariner in Leith, 444, 445.
—— James, 637.
Mathew of Balhoussie or Bowsie, Robert, 131, 142, 814; John, son of the above, 131, 142, 272, 427, 450, 814.
Mauchan, Clement, slaughter of, 687.
Maxwell, Edward, brother of Lord Herries, 396.
—— Elspet, alleged natural sister to the laird of Newark, and James and Alexander Fae, her sons, 132.
—— George, 402.
—— Hew, uncle of the laird of Lamington, 419.
—— James, one of the King's ushers, 106, 123, 446–7, 468–9, 470, 613.
—— James, at Kinghorn, 545.
—— John, 259.
—— John, son of the late Alexander Maxwell of Logan, 526, 552.
—— John and James, sons of the late Robert Maxwell in Castelmilk, 661.
—— Robert, brother of the forfeited Lord Maxwell, liberated from ward in Edinburgh, 17–18, 17 n., 19, 63.
—— Robert, in Garne, and Hew, his brother, 117–18.
—— Robert, brother of the laird of Teling, 154, 163.
—— Robert, in Kirktoun, 613.
—— Robert, at Paisley, 617.
—— Robert, in Castelmilk, deceased, 661.
—— Robert, merchant burgess of Edinburgh, 788.
—— Dame Sara, mother of Johnston of Lochwood, 29.
—— William, appears as procurator, 613.
—— William, in Kirktoun, 613.
—— William, in Barquhillandie, and his two servants, Scott and Thomson, 481–2, 489, 552.

Maxwell of Bairphill, John, cautioner for Lord Herries, 18.
—— of Calderwood, Sir James, sheriff-depute and justice of the peace for Lanarkshire, 51, 211, 266, 478.
—— of Conheath, John, justice of the peace for Dumfriesshire, 73.
—— of Cowhill, justice of the peace for Dumfriesshire, 73.
—— of Dinwiddie, Robert, kinsman of Lord Maxwell, 259; escape of, in 1607, from ward in the Castle of Edinburgh, 377–8, 402, 402 n.
—— of Gairdin, Robert, cautioner, 26, 194.
—— of Gribtoun, Sir William, a gold chain, part of a treasure-trove, given by the finders to, 343.
—— of Hills, Edward, 292.
—— of Logan, Alexander, cautioner, 154; deceased, 526.
—— of Meikle-Airdrie, James, 400–1.
—— of Nether Pollok, justice of the peace, and recorder to the commission for Renfrewshire, 637.
—— of Newark, Patrick, 112, 260, 458. *See* Feuds.
—— of Preston, Patrick, 117.
—— of Speddochis, Homer, 124, 140, 142.
—— of Teling, Hew, 26, 154, 194, 272, 375, 406, 486, 490, 526, 552.
—— John, Lord (died in 1593), father of the forfeited Lord Maxwell, 17, 17 n., 63.
—— John, sometime Lord, son of the above, lxvii; under sentence for the slaughter of the late laird of Johnston, 17–18, 17 n., 29, 29 n.; orders for the execution of, at Edinburgh, on 21st May 1613, 44–5, 45 n., 63, 402.
May, Lady, 552. *See* Forbes, Margaret.
Maybole, riots in, 40, 42 82; "the Kaitchepoole" of, 42; the provost of, 204; the Earl of Cassillis's lodging in, 25.
Mayne, William, in Orchards, 633.
—— the laird of, "Hayes sone," 810.
Maynes, Girvan, 315.
Meal, commerce in, with the port of Leith, 118–19.
Mearnes, Mr. David, minister, 588 n.
Medope. *See* Drummond of Medope.
Meggett, Alexander, in Corhouse, 790.
—— James and Patrick, sons of Alexander Meggett, 790.
—— John, in Carrington, 426, 548.
—— Thomas, prosecuted for murder, 157.
—— William, 272.
Meginche, the laird of, 530.
Mekill, Alexander, at Edinburgh, 841.
Meiklejohn, Edward, burgess of Edinburgh, 194.
Meldrum, Andro, at Aberdeen, 804.
—— Cristeane, spouse of Forret of that Ilk, 83.
—— Patrick, son of Meldrum of Iden, 804.
—— of Badinscott, William, 39, 322, 472, 489.
—— of Iden, Thomas, 300, 687, 804.
Mellat, Andro, servitor to Forbes of Lethintie, 82.
Melome, Mr. Patrick, D.D., 588 n.
Melrose, James, commendator of, 2, 212.
Melvill, Melville, *alias* Gairdner, in Clackmannan, 627.
—— Andrew, xciv; and his nephew James, 203 n., 258 n.
—— Daniel, procurator, 574.
—— David, 351, 352.
—— Francis, one of the "baillie-deputes of the barony of Coldinghame," committed to ward in the tolbooth of Edinburgh for permitting a thief to escape, 27; released, 65.
—— John, in Ardett, and Agnes Beatoun, his spouse, 376.
—— William, in Clackmannan, 628.
—— of Baldevy, Mr. Richard, minister at Maritoun, has licence to travel, 100.
—— of Burntisland, Sir Robert (son of Melville of Murdocairny), member of Privy Council, vi, xiii, xv, 260; in an arbitration case, 646, 678–81; signs for Council, 323, 825; present in Council, 1^{2}, 5^{2}, 6, 20, 23, 96^{2}, 105^{2}, 108, 109, 112, 113, 115, 124, 127, 132, 133, 135, 157, 159, 167, 168, 169, 170^{2}, 171, 172, 174, 175, 180, 182, 183, 184, 197, 198, 199, 200, 201, 203^{2}, 204, 205, 206^{2}, 207^{2}, 209^{2}, 210^{3}, 213, 215, 218, 219, 220, 230, 232, 262, 267, 276, 280, 284, 288, 292^{2}, 293^{2}, 294^{2}, 295^{2}, 298^{4}, 299, 300^{2}, 301, 302, 303^{2}, 304, 308^{2}, 309^{2}, 310, 312, 316, 318, 319, 323, 327^{2}, 336, 340, 342, 348, 358, 359, 360, 362, 363, 364, 372^{2}, 376, 381, 383, 389, 399, 402, 405, 406, 407^{2}, 408, 409, 412, 413, 414, 419, 420^{2}, 423, 425, 429, 430, 431, 436, 440, 638, 639, 658, 659^{2}, 660^{2}, 665, 667, 669, 673, 674, 677, 762.
—— of Murdocairny, Sir Robert, father of Melville of Burntisland, created Lord Melville of Monimail, and readmitted to the Council in his eighty-ninth year, on April 30, 1616, xi, xv, 513–14; present in Council on the same day, 502, 507.
Menteith, the stewartry of; resetters of the Clan Gregor fined in, 101.

Menteith, John, "ordinair officer" to Napier of Merchiston, 41.
—— of Eglisha, Robert, lxi; King's commissioner in the service against Orkney, 261, 700, 701.
—— William, Earl of, xxi; 114, 133, 160, 301. *See also* Monteith.
Menzies, Alexander, sometime M'Gregor, fined 100 merks for resetting the Clan Gregor, 148.
—— Colin, servitor to John Miller, 220.
—— Donald, brouster in Doule, fined 10 merks for resetting the Clan Gregor, 148.
—— Duncan, maltman, fined £100 for the same, 148.
—— Duncan, brother of Menzies of Weyme, one of the landlords of the Clan Gregor, 114, 115, 133, 820.
—— in Drumdevan, James, fined £50 for resetting the Clan Gregor, 148.
—— John, in Togarniche, fined 50 merks for the same, 148.
—— John Dow, in Tulborie, fined 50 merks for the same, 148.
—— John, in Wester Comere, fined £100 for the same, 150.
—— Robert, fined 10 merks for the same, 149.
—— Thomas, commissioner for the burgh of Aberdeen, 572.
—— of Castlehill, justice of the peace for Dumfriesshire, 73.
—— of that Ilk, Alexander, justice of the peace for Perthshire, 168; heritable bailie of the lordship of Apnadall, 637.
—— of Pitfoddells, Gilbert, 167–8, and his spouse, 172–3, 511, 552.
—— of Sneip, James, 414–15.
—— of Weyme, Alexander, one of the landlords of the Clan Gregor, 114, 115, 133.
"Merchand pack," of a "chopman," poinded, 454.
Merkinstoun, Thomas, at Leith, 527.
Merrick or Merrk, Captain, one of the commanders of the King's ships sent to the Isles, 489, 759.
Merschall, Merschaill. *See* Marshall.
Merse, missive of Council to the justices of the peace within the, 242.
Merser, John, burgess of Aberdeen, 118.
—— of Meikle Kynnaird, Laurence, 596.
—— of Meklelour, Lawrence, justice of the peace for Perthshire, 168, 220.
Mertoun (Myrtone) of Cambo, Thomas, 625.
—— (Mertyne), of Giblistoun, Alexander, 38.
—— the laird of, charged to appear, 399.
Messengers, King's, actions for forcible resistance to the, 350, 410–11, 433–4.
Metals. *See* Mines.
Michelhill, Katherine, at Selkirk, spouse of Mr. Patrick Shaw, 645.
Middleburgh, in Flanders, 370.
Middlemest, William, constable of Dumbarton Castle, charged to deliver up the Earl of Orkney, 200–1, 259, 262.
—— of Lillislie Chapel, William, 253, 356, 375.
Middle Shires. *See* Borders.
Middleton, James, charged with slaughter of Clement Mauchan, 687.
—— Mr. Robert, in the Canongate, 816.
Miller, Alexander, 212, 272.
—— Allaster Dow, in Ballivoir, fined £20 for resetting the Clan Gregor, 228.
—— Archibald, in Kirktoun, of Douglas, 525.
—— Bessie, spouse of John Lindsay in Corsrig, 525.
—— Callum Roy, in Miltoun, fined for resetting the Clan Gregor, 104.
—— David, "deacone convenair" of the "baxters" of Stirling, 8, 19, 632.
—— David, in Lynchorne, fined for resetting the Clan Gregor, 120.
—— David, witness, 400.
—— Donald Dow, at Kilmahug, fined for resetting the Clan Gregor, 104.
—— Donald, in Drumfernet, fined 50 merks for the same, 150.
—— Donald, in Dundorne, fined 40 merks for the same, 229.
—— Donald, in Over Denmure, 432.
—— Donald, in Muchrache, 557.
—— Elias, in Over Denmure, 432.
—— James, in Aldy, 538.
—— John, souter, at Lanye, fined for resetting the Clan Gregor, 104.
—— John, in Howden, cautioner, 145.
—— John, in Kelso, 147.
—— John, in Dewley, fined 300 merks for resetting the Clan Gregor, 152.
—— John, 153.
—— John, in the Burn of Kilmorick, 220.
—— John, 260.
—— Jonet, 235.
—— Ninian, 585.
—— Robert, slater, in Douglas, murder of, by Andrew Greig, 590.
—— Thomas, in Miltoun, fined for resetting the Clan Gregor, 104.
—— *alias* Campbell, Thomas, at the Mill of Buchannan, fined 10 merks for the same, 226.

Miller, Walter, "citiner" of Glasgow, 8.
—— William, in Balquhidder, fined £20 for resetting the Clan Gregor, 228.
Mills: of Mariculter, 173; of Crawfordjohn, 180; of Ardiffrie, in Aberdeenshire, 499; near Edinburgh, 589.
Milne, Mylne: Adam, servitor to Hamilton of Innerwick, 205.
—— Agnes, spouse of Robert Montgomerie, 511.
—— Alexander, in Fenistoun, 511.
—— Alexander, at the Mill of Mariculter, 173, 511.
—— Andro, falconer to Gordon of Gicht, and one of his accomplices in the slaughter of Francis Hay, 499, 501, 502, 576.
—— Andrew, bailie of Linlithgow and commissioner for the burgh, 572, 615, 616.
—— Andro, surgeon, burgess of Linlithgow (deceased), father of the above, 615.
—— David, goldsmith, burgess of Edinburgh, father of Henry Milne, 308.
—— David, in Kilhill, 469, 470.
—— Henry, banished for gilding silver coin, 308, 309.
—— James, in Cowie, 511.
—— James, servitor to Lord Forbes, 826–7.
—— John, in Arnecreich, 38.
—— John, in Newlands, 511.
—— John, servitor to Lord Thirlstane, 811.
—— Robert, in Easter Inglismaldie, 511.
Milton, the laird of, licensed to travel, 380.
Mines and Metals, lxix–lxx, xc; 15–17, 95–6, 146, 221–3, 525, 531–3, 626–7, 809.
Ministers: Mr. John Abernethy, at Jedburgh, 437 n.; Mr. John Adamson, at Liberton, 829; Mr. John Aikman, at Twynam, 384; Duncan Arret, at Luss, 178; Mr. Walter Balcanquhall, at Edinburgh, 582 n., 829; John Barbour, vicar of Natoun, 524; Mr. John Bell, at Glasgow, 196; Adam Bellenden, at Falkirk, 382 n.; Mr. Robert Biggar, 73–4; Mr. William Birny, parson of Ayr, 195–7; Mr. George Black, at Dunscoir, 88; Mr. Henry Blyth, at the Canongate, 829; Mr. William Bruce, at Ayr, 437 n.; Mr. James Burdoun, at Mowthill, 833; Mr. John Carmichael, at Kilconquhar in Fife, 258 and n.; Mr. John Chalmers, at Achterdirron, 839; Mr. Richard Dickson, at Edinburgh, 829; Mr. Simon Durie, at Forgound, 621; Mr. Andrew Forrester, at Dunfermline, 450; Mr. Robert Franshe, at Holyrood, 369; Mr. Patrick Galloway, at Edinburgh, 437 n.; Mr. John Gibbieson, at Dalmeny, 335, 388; Mr. James Gillespie, at Killerne, 353; Mr. Herbert Gledstanes, at Troqueir, 396; Mr. Archibald Glen, parson of Carmannoch, 196; Mr. Patrick Grant, at Cromdell, 53; Mr. John Hall, at Edinburgh, 437 n.; John Hamilton, parson of Crawfurdjohnne, 180; Mr. William Hamilton, at Mouswall, 588, 668; Mr. George Hay, at Turra, 279; Mr. John Hay, parson of Renfrew, 437 n.; Mr. Theodore Hay, parson at Peebles, 437 n.; Mr. Edward Hepburn, at Dunbar, 437 n.; Mr. Peter Hewatt, at Edinburgh, 437 n., 829; Mr. William Home, at Crombie, 361; Mr. Home, at Polwarth, 269; Mr. Jerome Innes, at Fyvie, 365; Mr. John Innes, sometime minister in Caithness, 328; Andro Ker, at Inverbrochet, 390; John Ker, at Dalgarno, 680; Mr. James Leask, formerly at Cushney, 87; Patrick Lindsay, at St. Vigeans, 382 n.; Mr. Harrie Livingston, at St. Ninians, Stirling, 815; Mr. Charles Lumsden, at Duddingston, 829; Mr. John Mackenzie, at Dingwell, 122, 496, 772, 844; Mr. John Mackenzie, at Killernan, 794; Mr. John Malcolm, at Perth, 380 n.; Mr. Richard Melville of Baldevy, minister at Maritoun, 100; James Mitchell, at the Stow, 487, 488; Mr. John Mitchelson, at Burntisland, 437 n.; Mr. Thomas Moir, at Morebattle, 636, 643–4; Mr. William Murray, parson of Dysart, 845; Mr. Richard Powrie, at Darwick, 673; Mr. Peter Primrose, at Mauchline, 559; Mr. Andro Ramsay, at Edinburgh, 437 n., 829; Mr. David Rattray, at Cruden, 474; Mr. Thomas Ray, at Cortaquhy, 586; Mr. John Reid, at Logie, 279; Mr. John Renfrew, at Aberdour, 437 n.; Mr. James Ross, at Aberdeen, 76, 279; Mr. Alexander Row, at Stobo, 658; Mr. William Row, in Fife, 258 n.; Mr. Adam Scot, at Hawick, 434; Mr. Robert Scot, at Glasgow, 196, 307 n.; Mr. William Scott, at Cupar, in Fife, 258 and n.; Mr. George Semple at Killillane, 618, 655; Mr. Patrick Shaw, at Selkirk, 645; Mr. Archibald Simpson, at Dalkeith, 368; Mr. Patrick Simson, at Stirling, 815; Mr. John Skrymgeour, in Fife, 258 and n.; Mr. James Stewart, at Campsie, 353; Mr. James Stirling, at Strablane, 353; William Stirling, at Aberfoull, 301; Mr. John Strathauchin, at Kincardine, 76; Mr. William Struthers, at Glasgow, 307 n.; Mr. Joseph Tennant, at Bedreule, 539; Mr. William Watson, at Burntisland, in Fife, 258, 258 n., 329, 420, 429–30; Mr. Walter

Whiteford, parson of Moffat, 162, 546 ; Mr. David Williamson, at Inverraritie, 660 ; Mr. Robert Youngson, at Cleitt, 5 ; the ministers of Jedburgh, 156 ; the ministers of Pittenweem, Anstruther, and Crail, 298, 300.
Minors. *See* Baillie of Lamington ; Barclay of Culternie ; Boyd, Lord ; Crichton, William ; French of Thornidykes ; Home, Jean ; Johnstone, Margaret ; Stewart of Ardgowan.
Miscellaneous Papers of the Privy Council, reference to, 279 n.
Mitchell, Alexander, in Ballormie, 66, 67.
—— Archibald, in Tullibody, 573.
—— Duncan, post in Edinburgh, 254.
—— Duncan, an Orkney prisoner, liberated, 301.
—— James, minister at the Stow, 487, 488.
—— John, 321.
—— John, in Dippilburne, usury case, 411.
—— John, in Tullibody, 573.
—— John, in Duncow, 613.
—— John, 826.
—— Margaret, relict of Edward Edgar, 25.
—— William, at Balkirslie, 38.
Mitchellhill, George, provost of Selkirk, 134, 135.
—— James, bailie of Selkirk, 421, 578.
Mitchelson, Alexander, baker in Edinburgh, 260, 426.
—— Gavin, skinner, burgess of Edinburgh, 154, 163.
—— George, 90.
—— Mr. James, 331.
—— Mr. John, minister at Burntisland, and one of the Commissioners of the New Court of High Commission, 437 n.
Mokett, Dr. Richard, warden of All Souls', Oxford, domestic chaplain to Archbishop Abbott, cix, 522 n.
Moffat, town of, 546.
—— Adam, in Howgill, servitor to David Johnston, 385.
—— Adam, in Cleuchsyd, 391, 392.
—— George, 163.
—— Mr. James, Jesuit priest, prosecuted for "papistrie," c, ci; 284, 284 n., 288–9, 300, 336–7, 352, 459.
—— James, in Carnehill, 397–8, 401.
—— Matthew, in Cammok, 391.
—— Robert, 235.
—— William, servant of Home of Hardeismylne, 422, 423, 425, 432.
Moggat, William, in Foulfuird, 790.
Moir, Alexander, in Casiltoun, 794.
Moir, Andro, in Dunbarnie, 789.
—— Andro, smith at Mekle Suddy, 794.
—— David, in Kirkdron, 789.
—— David, in Balmadinthy, 794.
—— John, "in his Majesty's work in Leith," 452, 453, 454.
—— John, 470.
—— John and Alexander, in Castletoun, 794.
—— John, in Suddy, 794.
—— John, in Mekle Suddy, 794.
—— Mr. Thomas, parson and minister at Morebattle, 636.
—— William, in Suddy, 794.
Molestation, case of, 359.
Moncrieff, Alexander, 234.
—— Sir Alexander, 515–16.
—— George, 213.
—— John, warded in the Tolbooth of Edinburgh, 132.
—— John, in Derdahervie, fined 500 merks for resetting the Clan Gregor, 151.
—— of ——, Sir John, justice of the peace for Perthshire, 168; 529.
—— of that Ilk, William, 131 ; justice of the peace for Fife and Kinross, 156, 265; for Perthshire, 168, 529.
—— of Myresyde, Gilbert, 18.
—— of Tullimull or Tillimillis, James, "indweller in Dunkeld," brother of Moncreiff of Myresyde, 18, 659.
Moncur, David, servitor of Creichton of Ruthvens, 117.
—— Jonet, relict of Patrick Forbes, 383.
—— Thomas, brother of the laird of Moncur, 177, 583–4, 592.
—— of that Ilk, Andro, 177, 530, 583.
Money : prices of various commodities, and the relative values of, lxxiv–lxxxvi; allowances of, for aliment in prison, 4, 242, 281, 283, 287, 330–1; prices to be paid for foreign coins and for light coin of the realm, 79–81; prison allowance to the Earl of Orkney, 90; allowances of, to the soldiers in charge of Kirkwall Castle, 295; prices of lead per stone, 328, 612; value of items contained in a treasure-trove, 343; paid to Sir John Arnott for surrender of his rights in the Earldom of Orkney and Lordship of Zetland, 355; paid to the Earl of Murray for surrender of the Customs of Spey, 355; price of Flemish, 370; jailor-fees, 409 443, 512–13, 514; prison allowance to the Earl of Crawford, 440; advance of, for repairs in the royal palaces, 623; fees and wages for the expedition to Orkney, 707, 708, 708–9, 726–7; prices given for food levied during

the service to the Western Isles, 747. *See* Wages.
Monopolies and Patents, lxx, lxxii, lxxiv ; act regulating, 86 ; to Thomas Foullis for extracting metals from ores, 95–6 ; of whale-fishing to Hay of Netherclift and Mr. Thomas Murray, 330 ; to Marjoribanks and others, for making red herring, 436–9, 620, 640–1 ; to Archibald Campbell, for making red herring, 436–9, 640–41 ; to Archibald Primrose, of the copper and lead mines in Islay, Mull, Skye and Lewis, 525 ; to Stephen Atkinson, for extracting gold and silver from ores in the mines of Crawford-muir, 626–7 ; to Captain Murray for importing tobacco, 659.
Monorgound, the laird of, 530.
Monro, Alexander, 808, 832.
—— Hew, in Obsteill, 370.
—— John, in Culgragy, 370.
—— Robert, in Findone, 370.
—— William, in Clyne, 370.
—— of Assynt, Robert, 370.
—— of Catwall, George, 386.
—— of Foullis, Robert, 223, 286–7.
—— of Limlair, John, fined for resetting the Clan Gregor, 54, 223, 286–7.
—— of Tarlathie, George, 386.
—— of Tarrell, George, 202–3.
—— of Urquhart, Hucheoun, 386.
Mont, Elias, 371.
Monteith, Duncan, servitor to Robert Masterton, 390.
—— of Kers, Sir William, 446.
—— of Newlands, Sir William, eldest son of Monteith of Kers, 446.
—— William, Earl of, commission to, for the trial of criminals on his lands, 301; caution for, 301. *See also* Menteith.
Montgomery, Adam, merchant burgess of Edinburgh, 66.
—— Sir Alexander, resigns the title of Earl of Eglintoun into the King's hands, 321. *See* Seyton, Sir Alexander.
—— David, in Easter Scottistoun, 407.
—— George, brother to the laird of Skelmorlie, 112.
—— George, 260.
—— Henry and James, brothers of David Montgomerie, 407.
—— Margaret, wife of the Earl of Winton and daughter of a previous Earl of Eglinton, and mother of Sir Alexander Seton, Earl of Eglinton, 33 n.
—— Marioun, spouse of Johnston of Wamfray, 390.
Montgomery, Robert, in Haltoun, and his spouse, Agnes Mylne, 511.
—— Robert, John, and George, in Haltoun, 511.
—— William, younger, in Haltoun, 511.
—— of Hessilheid, Robert, justice of the peace, 204, 619.
—— of Skelmorlie, Robert, 112. *See* Feuds.
Montrose, burgh of, 23, 58, 161, 163, 192–3 ; the loch of Montrose, 161 ; commissioner of, 193 ; magistrates of, 242, 345.
—— Earl of (late), a former Chancellor, 521.
—— John Graham, Earl of, member of Privy Council, v, xiii ; licence to go abroad, 87 ; commissions of peace to, 163, 353, 668 ; appointed a Commissioner in the New Court of High Commission, 437 n. ; the King's Commissioner in the General Assembly of 1616, ciii, 598 n. ; royal letter to, 745 ; present in Council, 85, 602, 604.
Monypenny, of Kinkell, Thomas, 460,
Moray, Earl of, *and* Bishop of. *See* Murray.
Morffee, John, a Greek Christian travelling in Scotland and soliciting subscriptions on behalf of captives in Turkey, 465.
Morris, Moreis, Morice: David, son of George Moreis, 558.
—— David, burgess of Edinburgh, and indweller in Leith, 597.
—— George, in Cupar Angus, 556, 558.
—— Robert, at Kinghorn, 545.
Morison, Moresoun: Angus, 19.
—— Archibald, at Paisley, 617.
—— John, servitor to the laird of Dalmahoy, 100.
—— John, son of Robert Moresoun, fined £50 for resetting the Clan Gregor, 150.
—— John, merchant burgess of Edinburgh, deceased, 390.
—— John, at Stirling, son of William Morison, cooper, 392.
—— Robert, fined £50 for resetting the Clan Gregor, 150.
—— Robert, and John his son, tenants of Monteith of Kers, charged with sheep stealing, 446.
—— Walter Andro, in Berridale, 830.
—— William, cooper in Stirling, 392.
—— William, a town officer of Edinburgh, 597.
Mortimer, Alexander, son of Mortimer of Cragyvar, 265.
—— John, servant of Lord Lindores, 646.
—— Robert, in Auchinhalt, 447–8.
—— of Cragyvar, 265.

Mortimer of Flemington, Thomas, 660.
—— of Parkford, John, 628.
Morton, Agnes, servant in Friertoun, tried for poisoning, 524.
—— Alexander, in Grenane, servant of Glendonning of Mochrum, 173–4, 407.
—— Archibald, mariner in Leith, 445.
—— Jock, in Howgill, 391, 392.
—— William, Earl of, justice of the peace for Fife and Kinross, 156, 265; for Edinburghshire, 406, 446, 472; styled here "sometime Lord of Melrose," 66.
Morvern, lands of, granted to Campbell of Lawers, 810, 720; levies of soldiery in, 768.
Moscrop, George, burgess of Jedburgh, 384.
Mossman, Richard, writer in Edinburgh, 792.
Mouster, ——, Huchone against, *et e contra*, 591.
Mow, William, in Dalkeith, 426.
—— William, in Foulfurd, 790.
Mowatt, Cristopher, 212.
—— George, servant to the Earl of Caithness, 77, 91.
—— Walter, in Wick, 826.
—— of Busby, James, justice of the peace, 204, 619.
Mowbray, John, skipper in Leith, 707–8.
Mowlane, Donald, tenant and servant of Grant of Rothiemurchus, 93.
Mowtraye of Seyfeild, Henry, 475, 512.
Moysie, Janet, in Leith, 444.
Muckalls, the laird of, 349, 445, 659.
Mudie, James, bailie of Dunbar, 117.
—— John, 90.
—— Robert, 826.
Muir, Mure: Cuthbert, furrier, burgess of Edinburgh, 803.
—— Gawin, in Inglistoun, usury case, 411.
—— Gilbert, in Kirkcudbright, deceased, 72.
—— Gilbert, burgess of Linlithgow, 146.
—— James, merchant in Glasgow, deceased, 586.
—— John, 90.
—— John, 489.
—— John, tailor in Glasgow, deceased, 586.
—— John, elder, in Drumclog, and John his son, 596.
—— John, in Whiterig, 787.
—— Martha, relict and executrix of David Logan, 400, 401, 614.
—— Robert, son of the late Gilbert Mure, 72.
—— *alias* Officer, Robert, in the Burn of Kilmorich, 220.
—— Robert, tailor at Edinburgh, 426.
—— Robert, at Paisley, 617.
Muir, Mure: Thomas, porter and keeper of Tantallon Castle, 269, 270.
—— Thomas, 272.
—— Thomas, in Cauldcoitis, 596.
—— William, servitor to Cathcart of Carvestoun, 229–30.
—— William, flesher in Glasgow, fined for illegal export of tallow, 798.
—— of Caldwell, Robert, justice of the peace, 637.
—— of Cassincarrie, John, 71.
—— of Rowallan, justice of the peace, 204, 619.
Muirhead, Murehead: Arthur, bastard son of Muirhead of Lachope, 353, 354.
—— George, 351.
—— John, 401.
—— John, 470.
—— John, in Mossyd, 586.
—— of Brydanhill, John, 464; custodian of Helen Graham, 353, 374, 398.
—— of Lachope, James, and James his son and heir apparent, justices of the peace, 211, 266, 353, 478.
—— Lady, spouse of Preston of Penicuik. *See* Collace.
Mull, the Island of: mines in, 528; the property of MacClayne of Torloisk in, 654; levies in, 768.
Muldonich, Donald, fined 300 merks for resetting the Clan Gregor, 151.
—— Patrick, fined 100 merks for the same, 151.
Mullikin, John, 117.
Mundaill, John, messenger, 443.
—— William, miller in Torthorwald, 443.
Munro, Alexander, "post" in Edinburgh, 832. *See also* Monro.
—— Mr. George, chancellor of Ross, 772.
—— of Foullis, Robert, 223.
Murder, cases of prosecution for, 44, 60, 200, 205, 220, 223, 242, 243, 246, 249, 265, 267, 269–70, 271–2, 309, 321, 386–8, 388, 369, 404–5, 410, 414, 424, 475, 523, 523–4, 526–7, 539, 547, 552, 590, 634–5, 637, 678, 687, 800.
Murdo, John, miller, at Liggertoun Mill, 94.
Murdoch, James, 351.
—— John, 123.
Murdoson, Andro, in Lanark, 104.
—— Patrick, son to the above, fined for resetting the Clan Gregor, 104.
Murkill, the laird of, brother of the Earl of Caithness, 348.
Murray(shire), Sheriff of, and his deputes, 255, 309.

Murray (Moray), diocese of, 650.
—— Agnes, spouse of Scott of Harden, 457.
—— bishop of, Alexander Douglas, xciii, 44n.; appointed one of the Commissioners in the New Court of High Commission, 437 n.; justice of the peace, 619; bailie of the regality of Spynie, 650–1.
—— Alexander, sometime called MacGregor, in Ardclache, and his son Alexander Murray, at the horn for reset of the Clan Gregor, 71; tenants and servants of the laird of Grant, 139.
—— Andro, domestic and household servant of Beaton of Creich, 84.
—— Andro, sometime in Craigie, 223, 255, 287.
—— Angus, and Hucheon, sons of the above, prosecuted for the murder of Donald Angus Garson, 213, 223, 255, 286–7.
—— Dame Annas, Countess of Kinghorn, 238.
—— Archibald, 235.
—— Archibald, a wright in Birsay, executed, with Robert Stewart, at Edinburgh, lxv, 283, 297 n.
—— David, in Wester Cultrennich, fined £10 for resetting the Clan Gregor, 229.
—— Captain David, commander of a ship sent by the King for the service of the Council in pursuit of pirates, 611–12; commission to, for import and sale of tobacco, 659.
—— Gawin, in Hamilton Wood, husband of Bessie Stevenson, a witch, 479.
—— Gavin, burgess of Selkirk, 645, 651.
—— George, servant to Sir Robert Gordon, 77.
—— George, in Trabroun, 788.
—— Gilbert, 213.
—— Gilbert, messenger and burgess of Lauder, 486, 785.
—— James, Master of the King's Works, warrant to, for certain repairs in the Castle of Edinburgh, 261, 473, 482; act empowering him to make certain demolitions and repairs in the palaces of Holyrood, Stirling, and Falkland, against the King's visit to Scotland, 517–18; commission to, to survey the Torwood, 534, 549–50; 607.
—— James, 321.
—— James, in Barrachtane, 377.
—— James, brother of the laird of Cowbardie, 486.
—— James, master-gunner of the Castle of Edinburgh, 709–10.
—— John, servitor to Lord Scone, 58.
—— John, servitor to the Earl of Mar, 75, 91.
Murray, John, merchant burgess of Edinburgh, 99, 115.
—— John, younger, merchant burgess of Edinburgh, 145.
—— Mr. John, son of the late Oliver Murray, murder of, 243, 246.
—— John, 321.
—— John, Lieutenant of the King's Guard, and donator to the escheat of Stewart of Jerusalem, 589; commissions to, to apprehend offenders, 157, 292, 332, 345, 555.
—— John, Patrick, and Andro, at Selkirk, sons of Gavin Murray, 645.
—— John, groom of the King's bed-chamber, 679.
—— John, son of Murray the messenger, 785.
—— Oliver, in Cassiltoun, deceased, 243.
—— Peter, 260.
—— Robert, one of the King's Guard, 486, 490, 553.
—— Robert, Patrick, and Robert, three of the King's Guard, 553–5.
—— Thomas, 235.
—— Mr. Thomas, grant of a monopoly of whale-fishing to, 330.
—— Walter, chamberlain of the Priory of St. Andrews, 59.
—— Will, a son of William Murray, minister of Dysart, 846 n.
—— William, tacksman of customs, 38–9; bids for the new tack, 620.
—— William, 260.
—— Mr. William, spouse of Katherine MacCall, and servitor to Mr. Alexander Peebles, 615.
—— Mr. William, parson of Dysart, 845.
—— of Auchtertyre, William, justice of the peace for Perthshire, 168, 439–40.
—— of Balvaird, Sir Andro, justice of the peace for Fife and Kinross, 156, 265, 524.
—— of Blakbaronie, Sir Archibald, justice of the peace for Peebleshire, 72, 686.
—— of Cockpule, James, justice of the peace for Annandale, 162.
—— of Dernehall, Sir Archibald, justice of the peace for Peeblesshire, 72.
—— of Drumcarne, Sir Mungo, surrenders back to the King the lands of Huntingtower, 125–6; justice of the peace for Perthshire, 168; 586–7.
—— of Dunnarne, William, 629.
—— of Elibank, Sir Gideon, member of Privy Council, and Treasurer-depute, v, vii, xii, xiii, xx, xxi; 28, 32, 36, 37, 51, 55, 57, 199, 232, 234; Collector-general of the taxation of October 1612, 34, 333, 504;

is present at a meeting of the High Commission of the Kirk in Edinburgh, 25th May 1613, 61; 69; commissions of the peace to, 73, 74, 90, 204, 211, 223, 266, 401; a commissioner of the King's Rents, 95, 109, 118; the fines of resetters of the Clan Gregor to be paid to, 122, 143; actions against, 124, 212, 223; witnesses the administration of the oaths of Supremacy and of a Privy Councillor to Viscount Rochester at Finchinburgh, October 18th 1613, 157, 162; one of the Commissioners for the Middle Shires, 164, 331; dispute with the Bishop of Orkney, 240; grant to, of a fifth part of the fines imposed on persons refusing to join in the pursuit of Cameron of Lochiel, 250; pays the Stercovius money of the burghs to Gordon, 251, 260; commission to, to examine John Ogilvie with torture, 304 n.; receives the Crown jewels from Sir John Arnott, and accepts the charge of them, 312, 321; appointed a Commissioner in the New Court of High Commission, 435 n., 437 n.; commission of justiciary in the North to, 591; makes a contract with an Aberdeen plumber, 612; advances money for the repair of the royal palaces, 623; exhibits the Treasurer's Mace, 675; royal letter to, 745; other mentions of, 280, 282, 285, 287, 294, 295, 296, 311, 313, 320, 328, 331, 334, 335, 336–7, 343, 348, 354–5, 355, 356, 370, 371, 374, 374–5, 375, 376, 379, 380–1, 383, 389, 414, 425–6, 439, 476, 492, 516, 526, 544, 548, 561, 594, 637, 675 n., 677, 709, 726, 772, 785, 790, 839; signs for Council, 18, 28, 96, 108, 209, 220, 267, 272, 276, 283, 327, 336, 340, 379, 406, 419, 435, 435 n., 439, 451, 473, 482, 484, 559, 598, 619, 637, 717, 718, 824, 825, 831; present in Council, 11, 18, 20, 23, 29, 37, 44, 48, 51, 55, 58, 60, 61, 62, 63, 70[2], 73[2], 75, 77, 78, 81, 85, 87, 89, 91, 93, 96[3], 99, 100, 101, 105[2], 108, 109, 112, 113, 115, 119, 124, 127, 132, 157, 159, 163, 165, 166[2], 168, 169, 170[2], 171, 172, 180, 182, 183, 184, 197, 198, 199, 200, 201, 203[2], 204, 205, 206[2], 207[2], 209[2], 210[3], 213, 215, 218, 219, 220, 224, 236, 240[3], 241, 242[3], 243[2], 246[2], 247, 249[2], 251[2], 252, 254[3], 255, 256, 261, 262[5], 267, 273, 276, 279, 280, 281, 283, 284[3], 286, 287[3], 288, 292, 293[2], 294[2], 295[2], 297[2], 298[5], 299[2], 300[2], 301, 303, 304[2], 308[2], 309[2], 310, 312, 316, 318, 319, 327, 329, 330, 331, 332, 333, 336, 340[2], 342, 346, 348, 349, 350, 352, 354, 355, 357, 359, 360, 362, 363, 364, 369, 370, 372[2], 376, 380[2], 381[2], 383, 406, 407[2], 408, 409, 412, 413, 414, 419, 420[2], 423, 425, 429, 430, 431, 436, 440[2], 441, 445, 446, 448, 451, 452, 455[2], 456[2], 458, 459, 460, 467, 468, 470, 472[3], 475, 476, 477, 478, 479, 483[2], 485[2], 488, 490, 494, 502[2], 507, 515, 522, 525[3], 529, 531[2], 533, 534, 538, 540, 541, 543, 544, 547, 548, 550, 553, 555, 556[2], 560, 561, 565, 566, 573, 574, 575, 577, 580, 582, 583, 584, 585, 587, 588, 592, 595, 602, 604, 605, 613, 619, 623, 627, 677, 681, 686, 701, 715, 746, 757, 762.

Murray of Philiphauch, Sir John, sheriff of Selkirk, justice of the peace for Selkirk shire, 73, 514.

—— of Strowan, justice of the peace for Perthshire, 168.

—— Lord, in an action against Hering of Lethintie, 522. *See* Tullibardine, Earl of.

—— James, Earl of, the late, 466.

—— James, Earl of, one of the landlords of the Clan Gregor, 114, 133; in an action against the laird of MacIntosh and others, for violence to the Earl's tenants in Inverness-shire, 140–1, 142, 322; feud with the Marquis of Huntly, 552; reference to a document containing his resignation of the Customs of Spey, dated at Edinburgh 1st April 1615, 355; justice of the peace for Perthshire, 168, 619; other mentions of, 132, 295, 351, 362, 660, 661, 662, 663, 664, 665, 731.

Murriach, Jonet, in the tolbooth of Dunblane, charged with witchcraft, 329.

Mushett, George, 300.

—— Jonet, spouse of Mr. Peter Kinloquhie, 139.

—— of Burnebank, Sir George, bailie to Napier of Merchiston, 41, 329.

—— of that Ilk, justice of the peace for Perthshire, 168.

Mustard, George, in Couper Grange, 556–7, 558.

—— William and James, in Couper Grange, nephews of the above, 556–7, 558.

Music: ordinance of the General Assembly of 1616, requiring every minister to "give up the names of idle sangsters and minstrellers within the parish, to the end they may be called and punished as idle vagabonds," 599 n.; singing of carols within and about kirks at certain seasons of the year, prohibited, 650–1. *See* Stirling, Royal Chapel of.

Myreton of Cambo, William, 27.

Nairn (burgh), 23; commissioners of, 193.

—— (shire), the Sheriff and his deputes of,

132, 404–5; commission of the peace for, 619.
Nairn, Alexander and William, 260.
—— David, 261.
—— Duncan, fined for resetting the Clan Gregor, 121.
—— John, in Belnaporte, fined for the same, 121.
—— John, in Lethintie, warded for the same, 364.
—— Laurence, 591.
—— Mr. Robert, advocate, 699–700.
—— of Muckarsie, Thomas, also his son and heir George, 26.
—— of Tullifergus, Lawrence, 557.
Naismith and others, the Magistrates of Edinburgh, against, 687.
—— James, baker, burgess of Hamilton, deceased, 478–9.
—— of Inver, James, fined 200 merks for resetting the Clan Gregor, 151.
—— of Possill, James, 2.
Napier, William, advocate, 629.
—— of Lourestoun, Sir Alexander, cautioner, 469.
—— of Merchiston, John, xxi, xxii, lxxxix–xc, 41; one of the landlords of MacGregor lands, 114.
Nattock, Mungo, at Selkirk, 645.
Neill, John, 347.
Neilson, Adam, flesher, and his son John, 527, 843.
—— Andro, maltman in Stirling, 400.
—— Gilbert, procurator, 71.
—— John Donald, in Ulgrumbeg in Caithness, 491.
—— Murdo, in Achaneis, 451, 840.
—— William, in Moundaill, 451, 840.
Neische, Donald, servitor to the Earl of Tullibardine, 383.
Nesbitt, Mr., appears as procurator, 511.
—— James, bailie of Edinburgh, 283, 384.
—— William, bailie of Edinburgh, 316, 342; provost of Edinburgh, 640, 641.
Nether-Daltoun, parish of, in Annandale, 362.
Nether-Pollok, the laird of, convener of the justices of the peace for Renfrewshire, 620, 637.
Nevey, David, burgess of Forfar, deceased, 194.
—— David, son and heir of the above, 194.
Neving (Niven), Walter, in Fordell, 789.
—— Thomas, in Mekle Kynnaird, 596.
—— of Mondarge, Thomas, justice of the peace, 204.
—— of Montgrennan, Thomas, justice of the peace, 629.
New Augmentations, treasurer of the. *See* Mar, Earl of, *and* Taxation.
Newbattle, the inhabitants of, in an action against the magistrates of Dalkeith, 259.
Newing, James, skinner, burgess of Perth, spouse of Katherine Dempster, 414.
Newlands of Kipps, Matthew, 464, 465, 470.
Newlistoun, the goodman of, justice of the peace for Haddington, 833.
Newmarket in England, royal letters, &c., dated at, 15, 17, 22, 217, 430, 459, 475, 476, 485, 533, 538, 583, 762, 786, 840, 848.
Newton, George, 235.
—— George, messenger, 524.
Nicoll, Agnes, relict of William Forrester, burgess of Stirling, 460.
—— Duncan, in Boharm, 390.
—— James, merchant burgess of Edinburgh, 473.
—— James, in Melrose, 841.
—— Jonet, spouse of Alexander Vaus, 407.
Nicolson, Andro, servitor to William Hay, 497, 499, 501, 502, 576.
—— George, at Berwick, 810, 811.
—— Mr. James, 300.
—— James, in Over-Almagill, 668.
—— Margaret, in Birgin, charged with witchcraft, 414.
—— Mr. Thomas, advocate in Edinburgh, 692.
—— Thomas, brother of Nicholson of Lasswade, 39, 220, 234.
—— William, 66.
—— of Lasswade, John, 39, 220, 234, 235.
Nicoly, Cristopher, Greek Christian, 465.
Niddisdale, the sheriffship of, 21.
Nimmo, Agnes, 484.
—— Patrick, tailor, father of the above, 484.
Nisbet. *See* Nesbitt.
Nobility: list of persons raised to the peerage, in 1613–16, lxxxviii. (*See* Binning, Lord; Ogilvie of Deskford, Lord; Lauderdale, Viscount; Melville, Lord; Carnegie, Lord; and Roxburgh, Earl of). The Earldom of Eglington (*see* Eglinton, *also* Seton, Sir Alexander). Ker of Littledean assumes the title of "Lord Jedburgh" (*see* Ker of Littledean. Act to prevent titles of honour being assumed without the royal sanction, 311, 321; assemblage of barons and gentlemen in Holyrood Chapel, 411–12; fines imposed on various ranks of the, for eating flesh in Lent, 458; small barons or lairds, 502–3.
Noble of Ardardane, Umphra, 384.
Nolt. *See* Cattle.
Non-Conformity. *See* Church and Religion.

Non-proven, verdicts of, 371, 575, 635.
Norham, in England, 642.
North Berwick, burgh of, 23.
—— the laird of, and the goodman of. *See* Home of Northberwick.
North Isles, fishing in the, 231; reset of fugitives from the Western Isles to the, forbidden by royal proclamation, 755–6.
Norway, a ship of Anstruther bound to Norway, 788.
Nuremberg, 296. *See* Scott, Andro.

Oaths: the, of Supremacy and of a Privy Councillor administered to the Viscount Rochester, 156–7; to Sir Andrew Ker of Oxenhame, 171; to the Earl of Caithness, 286, 287; to the Bishop of Ross, 319; to Sir William Alexander, 358; to the Archbishop of Glasgow (James Law), 381; to Lord Gordon, 440; to the Lord of Buccleuch, 464; to Sir George Hay, 483; to the Lord Lindsay, 485; to the Earl of Wintoun, 505; to the Earl of Perth, 506; to Mr. Peter Rollok, 506; to Sir James Skene, 540–1; to Lord Colville, 582; to Hamilton of Reidhouse, 594; the, of sheriffship, "*de fideli administratione*," 63, 240, 255, 274, 382; a charge being denied on oath, the defender is assoilized, 343, 350, 370, 386, 496, 544, 596; the Earl of Argyle tried by, before the Council, in an action against him by Colquhoun of Luss, 179; Sir Andro Ker gives his, as Commissioner for the Middle Shires, 200; the form of, taken by the Bishop of Brechin of Francis Ogilvie, 275; the reply of Ogilvie the Jesuit, concerning the, of Allegiance, 305 n.; the "grite and solemne aith" of Malcolm Crawfurd, 366–7; the, of peace between the Master of Blantyre and Scott of Balwearie, 369; the, of Allegiance given by Archibald Hamilton, 380; the, of allegiance and homage to the King, administered to the Archbishops of Glasgow and St. Andrews in Holyrood Chapel, with form of the same, 411–12, and 412 n.; the, of allegiance and "God and the King," 534–8; the, of Mr. John Skene, as depute-clerk of Register, 556; the, of certain of the Privy Councillors on undertaking a commission of justiciary for the North, 591; the, of the Earl of Mar on his appointment to the office of Lord High Treasurer, 674.
Oatlands, royal letters from, 95–6, 828.
Oats, measures of, 170.
Obligation, acts of, 100–1, 108.

Ochiltree, Andro, mariner of Leith, 434.
—— Lord (deceased), "the good Lord Ochiltree" of Knox's time, father of Captain James Stewart, 335 n.
—— Andrew Stewart, Lord, lxviii, 1; act concerning his expenses in his expedition to the Isles in 1608, 68–70, 692, 90; is reconciled with Lord Torthorwald, with whom he has been at feud since 1608, 45, 45 n.; in actions at law, 123, 592; justice of the peace, 204, 302; together with his son Andrew Stewart, Master of Ochiltree, resigns the Scottish Lordship of Ochiltree in favour of Sir James Stewart of Killeith, uncle of the resigning Lord, and retires permanently to his estates in Ireland. *See* Stewarts of Castle-Stewart, 333–4, 334 n.
—— Andrew Stewart, Master of, son of the above, 333–4, 334–5 n.
—— James Stewart, Lord (Stewart of Killeith), uncle of Andrew Stewart, Lord Ochiltree; the title of Lord Ochiltree is transferred to him and his family, 333–4, 334–5 n.; 348, 351, 352, 361, 369; justice of the peace, 619.
Ogilvie, Ogilbie, Francis, brother to Lord Ogilvie of Airlie, 268–9, 272, 275, 300, 301.
—— James, in Tarland, 633.
—— Mr. John, Jesuit priest in Glasgow, c, cii; apprehended, 284–6, 286 n., 303; hanged at Glasgow, 304 n., 336, 374, 459.
—— Mr. John, concerned in the repair of roads in Perthshire, 530, 687.
—— Dame Margaret, Countess of Marischal, 413.
—— Walter, a Scottish laird, father of the Jesuit Ogilvie, 286 n.
—— William, warded in the tolbooth of Dysart, 322.
—— William, servitor of Sinclair of Gaynis, 538.
—— of Balmegarrow, John, 674.
—— of Birnes, James, 414.
—— of Clova, James, justice of the peace, 220, 668.
—— of Findlater, Sir Walter. *See* Ogilvie of Deskford.
—— of Inchemartin, Patrick, elder, cautioner for the Earl of Errol, 35–6, 164, 165; justice of the peace for Perthshire, 168.
—— fiar of Inchemartin, Patrick, younger, cautioner for Earl of Errol, 35–6.
—— of Innerquharitie, Sir John, justice of the peace, 668.
—— of Mylnetoun, Walter, 370.
—— of Newgrange, Francis, brother of Lord Ogilvie of Airlie, 470, 525, 541, 797.

Ogilvie of that Ilk, Thomas, justice of the peace, 698; James, Master of Ogilvie, 246.
—— of Airlie, James, Lord, 246–7, 268, 379; justice of the peace, 668, 797.
—— of Deskford, Banffshire, Walter, Lord, elevation of Ogilvie of Findlater to the peerage as, lxxxviii, 399.
Ogrie, Mr. James, writer, 588.
Ogstoun, Mr. William, son-in-law of William Reid, sheriff-depute of Kincardine, 795.
Oig, a Gaelic suffix (not a surname). *See* Macdonald.
—— Alexander, in Innergizeran, 208–9.
—— Angus, in Keandlochliene, and John Oig, his son, 186.
—— John, in Eistoun, 633.
Oil, impost on, granted to St. Andrews, 86.
"Oisting and hunting," 179.
Oisteane, George, tailor, burgess of Edinburgh, 658.
Oliphant, James, in Over Kellie, 38.
—— Mr. James, sheriff-depute of Edinburgh, 403.
—— John, in Baldutho, 38.
—— John, elder, in Over Kellie, 38.
—— John, son of Oliphant of Kellymylnes, 106, 123.
—— Patrick and Lawrence, 260.
—— Peter, elder, and Peter younger, in Over Kellie, 38.
—— of Forgoundeny, justice of the peace for Perthshire, 168.
—— of Forgund, John, 529.
—— of Kellymylnes, Peter, 106.
—— of Newton, Sir William, Senator of the College of Justice, member of Privy Council, and King's Advocate since July 1612, v, xii, xiii, xx; 3, 24, 28, 32, 37, 57, 58, 61, 82, 113, 125–6, 126, 153, 163, 170, 172, 199, 207, [280, 297, 304 n., 336–7, 398; a commissioner in the New Court of High Commission, 437 n., 497, 521, 530; commission of justiciary to, in the North, 591, 661; a commissioner of the King's Rents, 676, 691; royal letters to, 745, 815, 839; appears in Government prosecutions, in the King's interest, 8, 49, 59, 60, 65, 82, 84, 117, 118, 124, 126, 127, 132, 135, 140, 144, 146, 147, 160, 161, 170, 172, 191, 193, 201, 212, 213, 220, 234, 243, 259, 273, 288, 289, 300, 321, 331, 341, 343, 345, 350, 352, 365, 366, 367, 370, 371, 374, 375, 384, 386, 387, 389, 395, 401, 410, 411, 414, 423, 425–6, 427, 440, 443, 444, 459, 460, 470, 474, 479, 482, 487, 489, 494, 496, 511, 514, 522, 527, 538, 542, 552, 573, 577, 583, 586, 587, 591, 592, 625, 634, 635, 642, 660, 786, 790, 797, 798, 800, 801, 802, 804, 823, 826, 843; signs for Council, 28, 29, 153, 156, 200, 203, 220, 229, 231, 272, 327, 336, 389, 419, 451, 477, 492, 717, 718, 757, 811, 817, 825, 843; present in Council, 1^{2}, 5^{2}, 6, 11, 18, 20, 23, 29, 37, 44, 48, 51, 55, 58, 60, 61, 62, 63, 65, 68, 70^{2}, 73^{2}, 75, 77, 78, 81, 85^{2}, 87, 89, 91, 93, 96^{3}, 99, 100, 101, 105^{2}, 107, 108, 109, 112, 113, 115, 119, 124, 127, 132, 133, 135, 142, 144, 148, 153^{2}, 157, 159, 163, 164, 165^{2}, 166^{2}, 167, 168, 196, 170^{2}, 171, 172, 174, 175, 180, 182, 183, 184, 197, 198, 199, 200, 201, 203^{2}, 204, 205, 206^{2}, 207^{2}, 209^{2}, 210^{3}, 213, 215, 218, 219, 220, 224, 230, 232, 236, 240^{3}, 241, 242^{3}, 243^{2}, 246^{2}, 247, 249^{2}, 251^{2}, 252, 254^{3}, 255, 256, 261^{2}, 262^{5}, 267, 273, 276, 279, 280, 281, 283, 284^{3}, 286, 287^{3}, 288, 292^{2}, 293^{3}, 294^{2}, 295^{3}, 297^{2}, 298^{5}, 299^{2}, 300^{2}, 301^{2}, 302, 303^{2}, 304^{2}, 308^{2}, 309^{2}, 310, 312, 316, 318, 319, 323, 327^{2}, 329, 330, 331, 332, 333, 336, 340^{2}, 342, 346, 348, 349, 350, 352, 354, 355, 358, 359, 360, 362, 363, 364, 370, 372^{2}, 376, 380^{2}, 381^{2}, 383, 389, 394, 395, 399, 402, 403, 405, 406, 407^{2}, 408, 409, 412, 413, 414, 419, 420^{2}, 423, 425, 429, 430, 431, 436, 440, 441, 445 446^{2}, 448, 449, 450, 451, 452, 455^{2}, 456^{2}, 458^{2}, 459, 460^{2}, 464^{2}, 466, 467, 468, 470, 472^{3}, 474^{2}, 475, 476, 477, 478, 479, 483^{2}, 485^{2}, 488, 490, 494, 502, 507, 515, 522, 525^{3}, 529, 531^{2}, 533, 534, 538, 540, 541, 543, 544, 547, 548, 550, 553, 555, 556^{2}, 560, 561, 565, 566, 573, 574 575, 577, 580^{2}, 581, 582, 583, 584, 585, 587, 588, 592, 595, 602, 604, 605, 613, 619, 620, 623, 627, 647, 648, 652, 655^{2}, 658^{2}, 659^{2}, 660^{2}, 665, 667, 669, 673, 674, 677^{2}, 681, 686, 701, 715, 746, 757, 762.
Oliphant of Gask, Lawrence, Lord, concerned in the repair of roads in Perthshire, 529.
Oliver, John, messenger, 615.
Omurrisane, Torzeallach, servant and tenant of MacLeod of Harris, 634.
Oppression, cases of, 19, 41, 91, 123, 124, 163, 175–6, 212, 235, 261, 310, 321, 351, 352, 374, 390–3, 470, 489, 544, 552, 565. *See also* Process.
Ord, Mr. William, burgess of Aberdeen, 420.
Ordnance: two cannons taken from Edinburgh for the siege of Kirkwall, 262, 274–5 n., 290, 293; names and description of the same, 709, 710, 712, 713; a petard sent to Dunivaig Castle, 726–7; cannons drawn in triumph through the streets of Edinburgh, on their return home from Kirkwall, 286 n.

Orisone, William Allaster, in Russell, 451.
Orkney and Shetland: account of the subjection and annexation of, lix–lxvii; complaint of the merchants of Brem respecting their trade with Orkney, 247–8; the Council interferes on behalf of the town of Brem, 43; the Duke of Lennox claims the Admirality of, as his right, 231–2; Sir James Stewart, the King's tacksman and sheriff of, and Shetland, 247; list of farmers of the King's customs in, 247; act anent the tolls and customs to be exacted from foreign ships arriving in, 247–8; pursuit of pirates on coasts of, 241, 256; Castle of Birsay in, 259; action against the sheriff of, 260; part of the taxation of, due to the town of Dumbarton, 824; commission to Sir James Stewart of Killeith for action in, 695; a Leith ship bound for Orkney arrested and searched, 698; general order against the passage of vessels to, or to Shetland, without leave, 698; conditions under which Menteith of Eglisha, undertakes the service of suppressing the rebellion in, 700, 261; a ship from Leith used in the service against, together with a boat to accompany the said ship, 262, 708; the action against, under the Earl of Caithness, 261; the Earl is appointed King's Lieutenant in, 262; charge for the surrender of the Castle and Steeple of Kirkwall and the other strengths in, 705–6; proclamation for musters to serve under the Earl of Caithness, against the rebels in, 703–4; commission to the Earl of Caithness against the Orkney rebels, 704–5; proclamation of conditional pardon to certain of the rebels in, 705; charge for surrendering the Castle of Kirkwall and other strongholds in, 705–6; appointment of a surgeon to accompany the expedition, 707; commissioners against the rebels in, 707; a herald, trumpeter, wrights, cannoneers, and a smith for the expedition, 708; advance of money by the Treasurer-depute for the Orkney service, 708–9; charges and warrants for the delivery of artillery to the Earl of Caithness for the same, 709–10; the Earl's band for its restoration to Edinburgh Castle after the Orkney service is over, 712–13; inventory made at Leith on 16th August 1614 of the artillery sent to Orkney, 713–14; the Bishop of Orkney consents to accompany and assist the Earl of Caithness, in his expedition, 710; instructions to the Earl of Caithness to nominate a Council of his own gentlemen and the country people, for his assistance in the service, 711; agreement for an additional ship required in the service, 711; warrant to the Earl of Caithness for the delivery of the Castle of Kirkwall, and the house of Birsay, to Stewart of Killeith, 711–12; warrant to the Earl of Caithness, to bring to Edinburgh all the artillery and armour found in Orkney and Shetland, 712; proclamation of favour and pardon to those Orkney rebels who now desist from the treasonable service, 705; renewed commission of lieutenancy in, to the Earl of Caithness, 715; act and warrant for the demolition of the Castle of Kirkwall, 276–7; the rebels of Kirkwall imprisoned in the Tolbooth of Edinburgh, 280, 281, 283; King's letter anent, 297; trial of, 297; suppression of the rebellion by the Earl of Caithness, completed, 286 n.; approbation of the Earl by the Council, 289–91, 291 n.; he presents to the Council his report with inventory of the bestiall and goods sometime pertaining to the Earl of, 293; the laird of Ratter presents a report of his proceedings in, and is approved by the Council, 295; sheriffship of, given to Sir James Stewart, 297; government of, by the Bishop of Orkney, approved by the King in a Royal Act, 313–5; Sir John Sinclair left in charge in, on the return of the Earl of Caithness, 319–20, 213; account of Patrick Halcro, 318 n.; Walter Richie sent to, on the King's business, 322–3; proclamation to the people of, regarding the arrangements for the government of that country, 449–50; commissions against pirates infesting the seas of, 842–3.
Orkney, Bishop of, since 1605 (James Law), xvi, lx, lxvi; the question of patronage of the kirks in the bishopric of, disputed between, and the Council, 809, 43, 44 n., 57, 196; offers to resign his bishopric, Council's action in the matter, 220; justice of the peace for Orkney, 223; dispute with the Treasurer-depute anent the Bishop's lands in Orkney, 240; royal letter instructing the Council to receive from, certain things in his possession which belonged to the Earl of Orkney, 827; 702, 704; consents to accompany and assist the Earl of Caithness in his expedition to Orkney, 710; mentioned as the King's lieutenant in a former rebellion, 277; agreement with the laird of Ratho, 288; cited to appear anent the bush-fishing, 298; royal act in favour of, approving his government of Orkney,

313–15, 321, 323; promoted to the Archbishopric of Glasgow, and admitted to be a member of the Privy Council, 381 and 381–2 n.; present in Council as Bishop of Orkney, 62, 262, 299, 701.
Orkney, Bishop of (George Graham), appointed in succession to James Law, xciii, 381–2 n.; arbiter in a quarrel, 427; one of the Commissioners in the New Court of High Commission, 437 n.
—— Patrick Stewart, Earl of, lix–lxvii, lxxxv; allowance in prison of £4 daily to the, 90, 91, 110; warrant to the constable of Dumbarton Castle to deliver up the, to such of the guard as shall be sent to bring him to Edinburgh, 200–201; appears before the Council, 206, 215, 219; petitions for leave to go to Court; the Council send him back to his ward, 224; transported from the Castle of Edinburgh to the Castle of Dumbarton, by warrant of the King, 239, commission against Robert Stewart, his natural son, 240, 695, 297 n.; a close prisoner in Dumbarton Castle, 262; order for bringing, from Dumbarton Castle, with directions for his convoy to the Castle of Edinburgh, 274 and n.; account of the rebellion in Orkney, and the treatment of the Earl in consequence of the same, 274 n.; ordained to be examined in presence of the Council, lxvi, 280; depositions of his servitor, John Sharpe, are presented to the Council, 282, 287, 289, 290; King's letters anent the, 298, 299; act appointing assessors to the justice in the criminal process against the, 299 and n., 300; execution of the, on 6th February 1615, lxvi, 300. The trial and execution of his son, Robert Stewart, *see* Stewart, Robert. Sir John Arnot appointed donator to the escheat of the late Earl, 355; 372, 403, 697, 705, 827.
Orme, William, 259.
Ormiston, of Old Melrose, Robert, 628.
Oronsay, the Isle of, 441.
—— the Prior of; his daughter sued in marriage by Duncan MacDougall, 441.
Orr, John, merchant burgess of Edinburgh, licence to, for building out a vault in the High Street of Edinburgh, 444, 492.
Orrok, of that Ilk, Henry, against Balfour of Montquhany, 96, 123.
Osburne, John, commissioner of the burgh of Ayr, 506.
Oschell, Mr. John, Doctor of Medicine, charged with murder, 440–1.
Oswald, Alexander, indweller at Falkirk, 633.
Otterburne, ——, apparent of Reidhall, justice of the peace, 406.
Over *alias* Robertson, Alexander, in Cammoch, fined £50 for resetting the Clan Gregor, 150.
—— William, servant to Graham of Drenie, 496.
Overbury, Sir Thomas, imprisonment and death of, in the Tower of London, vii, ix, x, xi, 159 n., 676 n.
Oversey, Isle of, off Islay, 764.

Paisley, public penance in the kirk of, 367.
Palaces. *See* James VI. (places of residence).
Pantoun, Charles, domestic servant of Forbes of Monymusk, 167.
—— of Newmanswalls, David, 161.
Papists: series of prosecutions of, during the period of this volume, xcix. *See also* Church and Religion.
Papler (?), Captain, King's letter in favour of, 295.
Paris, a suit against William Wemyss, before the Parliament of, 207.
Parishes: of Aytoun in Berwickshire, 543; of Auld Cambuies in Berwickshire, 543; of Hornedon, 642; of Lammertoun in Berwickshire, 544; in East Lothian, 549; in Linlithgowshire, 570–1; act for registration of births, marriages and burials in the, of Scotland, lxxvii–viii, cx, 669–70, 687.
Park, Alexander, warded in the tolbooth of Glasgow, 278.
—— John, in Strands, 468, 469.
—— John, younger, at Paisley, 617.
Parkhill, John, in Craginhashe, usury case, 411.
—— Walter, in Craiginfurth, usury case, 411.
Parliament: reference to the, of 1597, 661; of 1609, 29 n., 656; of 1612, xvii, 11–12, 33–4; of 1614 (at Westminster), 235, 235 n.; of 1617, xvii; act anent commissioners of the lairds or small barons in future parliaments, lxxvii, 502–3.
Parsons. *See* Ministers.
Patents. *See* Monopolies.
Paterson, Agnes, in Mylnehead, 613.
—— Alexander, merchant burgess of Stirling, 841.
—— Duncan, provost of Stirling, 10, 388; commissioner for the burgh, 572.
—— Elizabeth, sister of the above, 388.
—— Isaac, 386.
—— Isaac, tailor burgess of Edinburgh, 451.

Paterson, John, son of Paterson of Hiltarvett, 26–7.
—— John, in Leith, 392.
—— Moreis, in Argateis, fined for resetting the Clan Gregor, 102.
—— Robert, goldsmith, burgess of Stirling, 10.
—— Robert, litster, burgess of Stirling, 460, 461, 462, 509.
—— Thomas, 212.
—— or Porteous, Thomas, in Hatoun, 557.
—— Thomas, 592.
—— Thomas, deacon of the bonnet-makers of Edinburgh, 625.
—— of Hiltarvett, Mr. Andro, father of John Paterson, 26–7.
—— of Kilpunt, John, 392.
—— of Over Dunmure, George, 26–7; justice of the peace for Fife and Kinross, 156, 265, 432.
Paton, Patoun, Patton: James, "sclaitter" in St. Andrews, prosecuted with his son-in-law and his servant for refusing to do the King's repairs in Edinburgh and Holyrood-house, 607, 621.
—— Andro, in Letter Bannachie, fined 40 shillings for resetting the Clan Gregor, 229.
—— John, 823.
—— John, messenger, 826.
—— Vustian, in Trewin, fined 50 merks for resetting the Clan Gregor, 229.
Patrick, Alexander, in (Nethir) Glen, 618.
—— William, 514.
Paul (Paull), John, in Stotfauld, 66, 67.
—— (Paull *alias* Grant), Thomas, 131, 132.
Pearls: fishing pearls, 651.
Pearson, Peirson, Person: Alexander, merchant burgess of Edinburgh, now spouse to Margaret Mitchell, 25; bailie of Edinburgh, 194, 275.
—— Mathie, at Dundee, 565.
—— Robert, flesher in the Canongate, 527.
—— William, at Newbirnetoun, 38.
—— of Wardmylne, Alexander, acts as arbiter in a feud case, 541–2.
Peat, 354; price of cartload of, 558; "leading peats," at Dumfries, 650.
Pecock, Mr. Alexander, at Edinburgh, 780.
Peebles (burgh), charge to the, 192–3, *see* Stercovius; commissioners of, 193, 455; assault at, 359; commissions of justiciary to the provost and bailies of, 542, 590; ward in the Tolbooth of, 542, 686; action against the magistrates of, 686, 687.
—— (shire), commission of the peace for, 72–3; commissions to the sheriffs of, 107.
Peebles, Alexander, 124.
—— Mr. Alexander, advocate, 615.
—— David, in Over Kellie, 38.
—— Hew, appears as procurator, 197, 544, 585; law agent in Edinburgh, 706, 707.
—— Robert, at Edinburgh, 780.
—— of Chapelhill, Alexander, 116.
Peerages, creation of new, lxxxviii. *See* Nobility.
Peiris, Issobel, spouse of Thomas Durkie, at Kirkcaldy, 512.
Peit, Peter, merchant burgess of Middleburgh, 370, 376.
Penance: by Malcolm Crawfurd, and his mother Margaret Blair, in seven different churches on successive Sundays, 366–7; by Robert Strauchan, 368–9.
Penriddok, Sir Thomas, 212.
Perie, George, merchant burgess of Montrose, 431.
—— William, in Bogtoun, 447.
Perjury, case of, 199.
Perth (burgh), ward in the tolbooth of, 50, 342; the weavers of, against the magistrates thereof, for oppression, 50, 65; trial of resetters of the Clan Gregor at, 148; charge to the, 192–3, *see* Stercovius; commissioners of the, 193; act in favour of the, 203; magistrates of, 231, 277, 296, 340, 342–3, 352; synod of, 258 n.; hunting forbidden near, 459; market-cross of, 740; Convention of Burghs at, 572, 574; the macer of, 817.
—— (Shire), list of the resetters of the Clan Gregor in, and of the fines imposed on them by the commissioners, 51–5; commissions to the sheriffs of, 107, 202–3, 404–5; commission of the peace for, 168; proclamations in the service against Cameron of Lochiel, to be made at the market-crosses in, 185–89; the escape of Sir James Macdonald, 330 n.; act to repair roads in, 529; list of the parishes of, 529–30; pursuit of MacRanald of Gargavach in, by Lord Gordon, 577, 767.
—— James, 1st Earl of, deceased, in 1611, and succeeded by his brother John, 2nd Earl, 506 n.
—— John, 2nd Earl of, x, xv, xxii; Steward-principal of Strathern, 29; one of the landlords of the Clan Gregor, 133; justice of the peace for Perthshire, 168, 180, 243, 246, 362, 371; admitted a member of Council, and takes the oaths, 506 and n.; keeper of the King's forest of Glenarnay, 570, 607–8, 813, 832, 833; signs for Council, 539;

present in Council, 502[2], 507, 534, 538, 605, 613, 619, 623, 627, 638, 639.
Petard, sent to Islay in charge of James Anstruther, 677, 726–7.
Peterhead, pursuit of pirates on the coasts at, 241.
Peterson, Robert, bailie and burgess of Cupar in Fife, 659.
Petition, cases of, 3, 5, 19, 29, 63, 65, 89, 91, 107–8, 110, 123, 124, 141, 142, 147–8, 212, 213, 235, 348, 348–9, 351, 352, 370, 375, 452, 470, 490, 687 ; of the family of Johnston for justice to be executed upon the late Lord Maxwell, for the slaughter of the laird of Johnston, 29 ; of the Earl of Errol, 34–5 ; of Kennedy of Kirkhill, to change the days of markets held on his property, 167 ; of the Tackmen of the Customs, 287–8; of the magistrates of Kirkcudbright, 363 ; of Sir John Sinclair, craving approbation and pay, 321 ; of Sir Lauchlane MacIntosh, 322 ; of the inhabitants of Clatt, for change of market day, 363 ; of the magistrates of Dumfries, for the means to repair their bridge, 507, 514 ; of Elgin and Forres, not to serve against MacRanald, 514.
Petrie, George, merchant burgess at Montrose, 118, 629.
Pettie, barony of, in Invernesshire, 141.
Phegour, Muldonich, fined 10 merks for resetting the Clan Gregor, 152.
Philip, Phillop, Philp: Andro, indweller in Dundee, 565.
—— George, 545.
—— Henry, in Ormiston, 366, 375.
—— Mr. Henry, D.D., 588 n.
—— John, officer to Menzies of Pitfoddells, 173.
—— John, 235.
—— Margaret, spouse of Simson, 377–8.
—— Mr. Robert, banished for life, xcix ; account of his career, 126, 126–7 n., 169, 815 ; his deposition, and account of the process of torture inflicted on him, 815–16. *See* Church and Religion,
—— Robert, sheriff-clerk of Dumfries, 382.
Phillane *alias* Baa, William, an alleged thief, 322.
Phin, David, skipper of the ship "The Gift of God," and merchant burgess of Burntisland, 372, 373, 376.
—— Henry, officer of Burntisland, 372.
Pikeman, James, in Kincairn, 511.
Pikieman, Walter, servitor to the laird of Thornton, 144, 145.
Pilgrimages, prohibited, 650–1.
Pilots, to be furnished to the King's ships in quest of pirates on the Scottish coasts, 240.
Pinkerton, Henry, in Woodnuk of Ralston, usury case, 411.
Pinto, Paulo, in Portugal, one of the "farmers" or lessees of the silver mines of Hilderstoun, 15, 17, 146, 221.
Pirates and piracy, 235–6, 236, 240, 240–1, 250, 256, 465, 611–12, 619, 634–5, 842–3.
Pistols. *See* Weapons.
Pitarro, laird of, justice of peace in Kincardineshire, 67.
Pitcairn against Pitcairn, 686.
—— Mr. James, 123.
—— John, deceased, burgess of Perth, 665.
—— Marioun, daughter of John Pitcairn, deceased, 665–6.
—— Patrick, merchant burgess and indweller in Perth, 442–3; his spouse, 665.
—— of Forther, Henry, justice of the peace for Fife and Kinross, 156, 265, 322.
—— the laird of, against the laird of Duncrub, 514.
—— of Pitlourie, Patrick, justice of the peace for Fife and Kinross, 156, 265, 529.
Pitcaple, the laird of, and his sister, 395.
Pitch and tar, impost on, granted to St. Andrews, 86.
Pitcur, the laird of, 529.
Pitforrane, Lady. *See* Hepburne.
Pitscottie, Andro, servitor to Moncrieff of that Ilk, 131.
Pitsindie, the laird of, 530.
Pittenweem, burgh of, charge to the, 192–3 (*See* Stercovius) ; commissioners of, 193 ; the magistrates of, 234 ; a fine on the town of, modified on account of its poverty, 793 ; the minister of, 298 ; the manor place of, 791.
Pittedie, laird of, 514.
Pittillo, James, in Couper Angus, 558.
Pityallony, charged to exhibit the son of John Dow MacAllaster, 89.
Plewwricht, Francis, in Mugdok, 585.
Plot, commissioners of the, 309.
—— Roger, 259.
Plumbar, Andro, appears as procurator, 75, 508.
—— David, donator to the estate and liferent of Thomas Kirkpatrick, younger, 680–1.
Poaching : commission to apprehend poachers, 68, 423.
Poison, cases of attempt to murder by, 94, 180, 524, 584.
Pollok, Charles, bailie of Perth, 65.
—— John, "mealmaker" in Leith, 111, 123.

Pomphrastoun, the laird of, justice of the peace for Haddington, 833.
Poole, Matthew, at Leith, 356, 489.
Pope, the, referred to by the King in the questions put to Ogilvie the Jesuit, and in the replies of Ogilvie, 305 n.
Popery. *See* Church and Religion.
Porteous, James, in Langtoun, 165.
—— Thomas, at the Brigend of Leith, 527.
—— of Hawkshaw, Patrick, 261, 589, 592.
Porter, Patrick, in the water of Leith, 596.
Porterfield, John, merchant burgess of Edinburgh, 105–6, 106.
—— or Potterfield, of Douchall, William, justice of the peace, 637.
—— apparent of Douchall, Alexander, 457.
Portpatrick, ferry between Ireland and Scotland at, 463, 470.
Postal arrangements, for travelling, &c., throughout Scotland, lxxvii, 832, 833-9.
Post-master, office of Master of the Posts, 834, 836, 838, 839.
Pott, George, in Cowbog, 636, 643, 644.
—— Wattie, in Cowbog, 643.
Power, John, merchant burgess of Edinburgh, and spouse of Katherine MacNaucht, 365.
Powrie, Mr. Richard, minister at Dawick, 673, 687.
Prat, James, mariner of Leith, 434.
"Precept of poinding," 41.
Precognitions against, cases of, 19, 90, 91, 142, 163, 212, 260, 272, 321, 331, 351, 374, 375, 552. *See also* Process.
Presbyterianism, in Scotland, xciii–xcv. *See also* Church and Religion.
Presbyteries, appeal of Council addressed to the, in favour of James Fraser, 434–5.
President, the. *See* Preston of Penicuik.
Press-licences. *See* Books.
Preston, James, burgess of Culross, 59, 110, 123.
—— Katherine, relict and executrix of John Morison, 390.
Preston of Penicuik, Mr. John (called also Sir John), President of the College of Justice, member of the Privy Council, and President of the Council in the absence of the Chancellor, also Collector-General and Treasurer of the New Augmentations, v, vi, xi, xii, xiii; in a committee of the Council, 28; in commissions, 37, 57, 170; one of the members of Council ordained to examine the rebels of Orkney in the Tolbooth of Edinburgh, 280; one of the assessors to the Justice in the trial of the Earl of Orkney, 299 n., 300; in an action against Seaton of Northrig, 331, 839; arbiter in a dispute, 398, 406; in an action, together with his spouse, against Campbell of Calder, 443; mentioned, 840, 452; his death, and the transference of his offices, 560, 560–1 n.; signs for Council, 4, 5, 18, 28, 29, 87, 94, 96, 107, 132, 156, 164, 197, 200, 203, 209, 210, 211, 219, 220, 229, 231, 241, 283, 309, 327, 329, 336, 340, 388, 389, 393, 399, 401, 404, 405, 419, 435, 439, 440, 445, 446, 451, 457, 465, 472, 473, 475, 477, 478, 482, 484, 488, 492, 824, 825, 831; present in Council, 1^{2}, 5^{2}, 6, 11, 18, 20, 23, 29, 37, 44, 48, 55, 58, 60, 61, 62, 63, 65, 68, 70^{2}, 73^{2}, 75, 77, 78, 81, 85^{2}, 87, 89, 91, 93, 96^{3}, 99, 100, 105, 107, 108, 109, 112, 113, 115, 124, 127, 133, 135, 144, 163, 164, 165^{2}, 166^{2}, 167, 168, 169, 170^{2}, 171, 172, 174, 175, 180, 182, 183, 184, 197, 198, 199, 200, 201, 203^{2}, 204, 205, 206^{2}, 207^{2}, 209^{2}, 210^{3}, 213, 215, 218, 219, 220, 230, 232, 236, 240^{3}; 241, 242^{3}, 243, 246^{2}, 247, 249^{2}, 250, 251, 252, 254^{3}, 255, 256, 261^{2}, 262^{5}, 267, 276, 280, 281, 283, 284^{3}, 286, 287^{3}, 288, 292^{2}, 293^{2}, 294^{2}, 295^{3}, 297^{2}, 298^{4}, 299^{2}, 300^{2}, 301^{2}, 302^{2}, 303, 304^{2}, 308^{2}, 309, 316, 318, 319, 323, 327^{2}, 329, 330, 331, 332, 333, 336, 340^{2}, 341, 346, 348^{2}, 349, 350, 352, 354, 355, 357, 359, 360, 362, 363, 364, 370, 372^{2}, 376, 380^{2}, 381, 383, 389, 394, 395, 399, 403, 405, 406, 407^{2}, 408, 409, 412, 413, 414, 419, 420^{2}, 423, 425, 429, 430, 431, 436, 440^{2}, 441, 445, 446^{2}, 448, 449, 450, 451, 452, 455^{2}, 456^{2}, 458^{2}, 459, 460^{2}, 464^{2}, 466, 467, 468, 470, 472^{3}, 474^{2}, 475, 476, 477, 478, 479, 483^{2}, 485^{2}, 488, 490, 494, 525^{2}, 580^{2}, 581, 701, 762.
Preston, the laird of, justice of the peace for Haddington, 833; concerned in the repairs at Prestonpans, 651.
—— of Valleyfield, Sir John, justice of the peace for Perthshire, 168.
Prestonpans near Edinburgh, repairs of the High Street of, in preparation for the journey through it of the King, 646, 651.
Prices. *See* Money.
Primrose, Mr. Archibald, writer, tackman of customs, father of Mr. James Primrose, xvi, xxi, xl, 38–9; appears as procurator for the Earl of Argyle, 71; constituted a commissioner for uplifting the fines imposed upon resetters of the Clan Gregor and granting discharges for the same, 108–9; mentioned, 194; in actions as complainant, 135, 142, 300, 331, 386;

patent to, of the mines in Islay, Mull, Skye and Lewis, 525; is the highest bidder for the new tack of the customs, 620.

Primrose, Mr. David, appears as procurator, 197, 678, as sheriff-depute to the late Cockburn of Temple, ordered to discharge the business of the sheriff-principal until the office be filled up, 219; in Council business, 677.

—— Mr. Gilbert, son of James Primrose, witnesses a decreet of arbiters, 681.

—— Mr. James, Clerk of the Privy Council, xvi, xxv, xxxiii, 24, 87, 195, 522; information supplied to the Council by, as to the state of the Isles and Highlands, 817–21; documents delivered to, for examination and to "inventair," 296–7; his Latin signature (Jacobus Prymrois) at the end of a volume of the Register of *Decreta*, 198, 198 n.; at the end of a volume of the *Acta*, 291, 291 n.; in council business, 369; monoply granted to, of printing and selling "God and the King," 534–8; acknowledges receipt of a band, 844; commissioner for the burgh of Culross, 572; witnesses documents, 681, 726, 713; signs for Council, 808, 817, 823, 824, 826, 828, 832, 840, 841, 843, 844; mentioned, 281, 811, 831, 844.

—— Margaret, spouse of John Hamilton, 596.

—— Mr. Peter, minister at Mauchline, 559.

Pringle, Alexander, 668. *See* Feuds.

—— James, 213.

—— James, burgess of the Canongate, 476, 489.

—— John, in Nether Sheillis, 72, 90.

—— John, in Dryburn, charged with murder, 332.

—— John, quarrel with Alexander Stewart, 452.

—— John and George, sons of Pringle of Buckholme, 798.

—— Thomas, in Symenton, 487, 488.

—— William, 643.

—— William, burgess of Lawder, 798.

—— of Blindlie, 321, 352.

—— of Bukholme, John, in a feud with Stewart of Falshope, 393, 398–9, 399, 401, 402, 411, 455, 798.

—— of Torwoddie, justice of peace for Selkirkshire, 73.

—— of Whitebank (Quhytbank), James, justice of peace for Selkirkshire, 73.

—— of Galashiels (Gallowscheillis), James, bailie principal of the Regality of Stow, 72; justice of the peace for Selkirkshire, 73; licensed to go abroad, 618.

Prisoners: the Earl of Orkney, 90; the Earl of Crawford, 335; the poor in the Tolbooth, 4, 242, 281, 283, 287, 330–1, 409, 440, 443, 512–13, 514; Robert Stewart, and Patrick Halcro, 287; three captives from Orkney liberated from the Tolbooth of Edinburgh, 301; Prisoners' allowances, lxxxv, *see* Money.

Prisons, 580. *See* Tolbooths *of the various burghs under their names.*

Privy Council of Scotland, constitution of the, in March 1613, v; events in the history of the, during the period of this volume, vi–xvii; a special committee of the, appointed by the King for the business of rating the fines to be imposed upon resetters of the Clan Gregor, with some instructions in that business, 31–2, 51; committee of, for trying the assay box of gold and silver, 37; death of Archbishop Gledstanes, vi; appointment of Livingstone of Kilsyth, to the office of Vice-Chamberlain in the absence of the Duke of Lennox, 46–8; submission of feud to the, by the Lords of Scone and Burley, and the Council's judgment in the whole matter of their quarrel, 92–3; mention of the places of residence of the Lords of the, and of the College of Justice, 99; Lord Balfour of Burley readmitted to his place in, 125, 132; death of the Bishop of Ross, vi; the Viscount Rochester admitted a member of the, 157–8, 159 n.; his subsequent elevation to the office of High Treasurer of Scotland, 159 n.; Sir Andrew Ker of Oxenhame, made a member of the, 171; Sir Thomas Hamilton of Byres is received, on his accession to the peerage, 174–5, 175 n.; Sir Robert Ker of Ancrum succeeds Sir Andrew Ker of Oxenhame, as commissioner of the Middle Shires and in his general service to the, 176; cases remitted by the, to the Lords of Council and Session, 193, 282; the Earl of Orkney appears before the, 200–1, 215, 280; Sir John Skene readmitted to the, 210–12, 210–11 n.; Ker of Oxenhame succeeds Ker of Ancrum in the Captaincy of the King's Guard, 231; Admiralty of Orkney and Shetland continued to the Duke of Lennox till the homecoming of the Treasurer-depute, 231–2; leave of absence to the Master of Elphinstone, 261; the Earl of Caithness admitted a member of the, 278, 280, 286, 287; the commissioners in the service in Argyleshire are commanded to acquaint the, once every week with the progress of their proceedings, 738; a certain

number of the, are chosen by the Earl of Argyle to be his advisers in the conduct of his lieutenancy for the suppression of the Western rebellion, 753–4, 754–5; the Register of the, resumed, 311 n.; documents relating to the affairs of Sir John Arnot, 354–5; Spotswood first in the Council with the new title of Archbishop of St. Andrews, 357–8; Alexander of Menstrie admitted a member of the, 358–9 and n.; Law, Archbishop of Glasgow, admitted a member of the, 381 and n.; Lord Ogilvie received on his acession to the peerage, 399; a "Sederunt" commencing a new volume entered with Latin names of members present, 340; Patrick Lindsay, Bishop of Ross, son of David Lindsay, the former Bishop, admitted a member of the, 319 and n., 321; a meeting of, in Holyroodhouse, on the afternoon of May 17th, 1615, 329; assemblage of the, together with "divers of the nobility," &c., in Holyrood Chapel, on Sunday, November 26th, 1615, 411–12; death of Sir John Arnott, in January 1616, xiii; death of the Earl of Kinghorn, vi; death of Mr. George Young, vi; Lord George Gordon admitted a member of the, 440 and n.; the Lord of Buccleuch admitted a member of the, 464 and n.; death of Sir Alexander Hay, vi; Hay of Netherclift, admitted to the Council, and to the office of Clerk of Register, 483 and n.; Lord Lindsay of Byres, admitted of the, 485 and n.; return from Court, and reappearance at Council meetings, of the Chancellor, the Secretary, and the Bishop of St. Andrews (Spotswood), 502 and n.; the Earls of Winton and Perth, and Rollok of Piltoun, admitted members of the, 505–6 and n.; Lord Melville admitted a member of the, 513; new peerages, 513–14; Sir James Skene admitted a member of the, 540–1; death of Preston of Penicuik in June 1616, xi; Lord Binning elected President of the College of Justice, in room of the deceased Preston, and appointed President of the Council, 560, 560 n., 561–2; Livingstone of Kilsyth, appointed one of the commissioners of the King's Rents, in place of the deceased President Preston, 561–2; Lord Colville admitted a member of the, 582–3; Hamilton of Reidhouse, admitted of the, 594 and n.; roup of the customs in the Laich Council house, 598–602 and 602 n.; meeting of the, at Aberdeen, on August 20th, 1616, 639, 602, 602 n.; the provost and bailies of Edinburgh appear in a suit before the, in name of the burghs of the realm, against granting a monopoly to Robert Hay, 640; the, annuls the same at the instance of the burghs, 640–41; the Earl of Mar raised to the office of Lord High Treasurer of Scotland in place of the Earl of Somerset, 674–6; account of the various changes in the Treasurership from 1603 to 1616, 675 n.; the Bishop of Glasgow, the Clerk Register, and the Lord Advocate, are admitted to the number of commissioners for the King's Rents, 676; commissions of the peace to the Lords of, 67, 72, 73, 156, 162, 168, 204, 211, 223, 265, 266, 379, 401, 406, 619, 637, 647. Letters from the King to the, *see* James VI. Letters to the King from the, or from some of their number, as follows:—Anent the process of the Earl of Cassillis, 43; anent the slaughter of the laird of Johnston, 43; in favour of Captain Wood, 167; in favour of certain shipwrecked merchants, 167; anent assize herring, 239, anent Lord Sanquhar, 242; anent the Bishop of St. Andrews, 242; in favour of Mr. James Primrose, 289; in favour of Captain Papler, 295; anent Walter Geddie, 298; anent the levy of soldiers against the Isles, 364; in favour of Thomas Foullis, 389, 406, 419, 431; in favour of the King's subjects distressed in Sweden, 637. Letters from the, or some of their number, to various persons, as follows:—To the Earl of Enzie, 152; to the Earl of Angus and Ker of Fernihirst anent their feud, 152; to the Earl of Mar anent the examination of the persons suspected of the poisoning of the laird of Dun, 152; to the Marquis of Huntly, 162, 210; to the Archbishop of St. Andrews, 163; to the Archbishop of Glasgow, 163; to the President and Council of York anent shipwrecked merchants, 167; to the justices of the peace and other magistrates anent shipwrecked merchants, 167; to the justices of the peace "within the Merse," 242; to the Earls of Perth and Tullibardine, 243; to the King and Council of Sweden, 272; to the Foude and Captain of Brem in Norway, 272; to the laird of Calder, lieutenant in Islay, 295; to the Admiral of England, in favour of Captain Wood, 419; to the lairds of Auchinbrek and Ardkinglas, 540; to the Lord deputy of Ireland, requesting his diligence in attending to the King's instructions for the despatch of men and cannon from Ireland

for the suppression of the rebellion in Islay, 717–18 ; to MacLean of Duart, MacLeod of Harris, Donald Gorme of Sleat, the Captain of Clanranald, MacKinnon, and the Tutor of Kintail, enjoining on them alacrity in the pursuit of fugitives from the late rebellion in the Western Isles, 756 ; to the Earl of Argyle, 757. Clerks of the, *see* Andro, Primrose. Macers of the, *see* Hamilton.

Privy Seal. *See* Cockburn of Clerkington, Sir Richard.

Processes: the Minute Book of, 198 n.; memoranda of, from the Minute Book of Processes for March 1613, 19 ; for June 1613, 90–1 ; for July 1613, 123–4 ; for August 1613, 141–2; for October 1613, 163; for February 1614, 212–13; for April 1614, 234–5; for July 1614, 259; for September 1614, 272; for January 1615, 299–300; for March 1615, 321; for May 1615, 331; for June 1615, 351–2; for July 1615, 374–6; for October 1615, 401–2; for January 1616, 451–2; for February 1616, 469–70; for March 1616, 489–90; for April 1616, 514–15; for June 1616, 551–2; for July 1616, 591–2; for October 1616, 651; for December 1616, 686–7.

Proclamations: anent the due observance of Lent, 11–12, 19, 304; registration of infeftments, gifts, signatures, and patents, 12–13, 19; in the action against Cameron of Lochiel, 185–6, 186–9; against hunting in Cheviot and certain other parts of the late Borders, 198-9; against the export of gold and silver coin, and imposing certain customs for a year upon imported wheat, barley, pease, beans, rye, and oats, 243–4; respecting the bringing into the King's mint of bullion by the merchants, 230; that the King has sent two ships to protect the lieges against certain pirates, 235–6; anent prices of English beer imported into Scotland, 207–8; against paying rents to the Earl of Orkney's son, 240; anent false coin, 304; against the slaughter of lambs, 312–13, 323; ordering the celebration of the Holy Communion on Easter day in all time coming, 316–17 ; against the resort of base and beggarly Scots to England, 323–4 ; against the buying up and exportation of eggs, 325–6 ; in the actions for pursuit of Sir James MacDonald of Islay and his friends and followers, 330, 350, 364, 723–4, 728–9, 734–5, 740–1, 741, 742, 743, 755–6, 767–8, 768; to intimate the King's intention to visit Scotland in the following year, 458–9; against the killing, selling, or eating of venison and wild fowl, in view of the King's expected visit, 504–5; to limit Scottish commerce with Ireland to certain fixed ports, 566–570; to announce a General Assembly to be held in August 1616, 580–1; anent the King's peace at Aberdeen, 603; for keeping of the peace during a day of law at Edinburgh, 604–5 ; to the lieges at Inverness, to assist in the service against the Lewis, 611 ; against gypsies, 655–7.

Protestation. *See* Processes.

Provand, Gilbert, in Wester Thridis, 586.

Provosts : of Annand, 162; of Dunbar, 573; of Dundee, 577, 592; of Dunfermline, 439; of Dumfries, 649; of Edinburgh, 640; of Forfar, 428; of Inverkeithing, 111; of Irvine, 411; of Jedburgh, 686; of Langforgound, 59; of Maybole, 204, 619, 833; of Montrose, 161; of St. Andrews, 82, 607, 621; of Selkirk, 134, 793; of Stirling, 10, 388, 630; of all the burghs, commission to the, 271.

Pryde, Andro, in Belstoun, 38.

—— David, in Over Kellie, 38.

—— James, in Over Kellie, 38.

—— John, at Giblistoun, 38.

Public penance and humiliation, acts of, 452, 509.

Pule, Matthew, merchant burgess of Edinburgh, and his son John, 617.

Purdie, Hew, in Lasswade, 426.

—— James, in Lasswade, 138, 426.

—— James, servant of William Ferguson, 616.

—— Simon, servitor to the late Andro Edmonston, 613.

—— William, notary in Caithness, 538.

Pursell, Robert, merchant burgess of Edinburgh, 356, 374.

Purves, Andro, town officer in Edinburgh, 155, 161.

—— Harrie, surgeon, in the Canongate, 523, 802.

—— Walter, in Innerleithen, 548.

—— of that Ilk, John, 409.

Pykrie (theft), 108, 119, 153, 265, 668.

Pyot, Robert, servitor to Katherine Coutis, at Leith, 527.

Quarter Seal. *See* Seal.

Queen Anne. *See* Anne, Queen.

Queen's Chamberlain. *See* Wardlaw of Balmull.

Queen's Rents. *See* Anne, Queen.

Quhape, Nicolas, widower, in Duncow, 63.

Quhyte. *See* White.
Quhytfurd. *See* Whitefurd.

Rachlie, Isle of, upon the coast of Ireland, 758, 763.
Rae and Caldwell, cited to appear, 321.
—— Gilbert, 212.
—— Hendry, 352.
—— Henry, tailor, burgess of Edinburgh, 386.
—— James, merchant burgess of Edinburgh, 451.
—— John, 124.
—— (Ray), Mr. John, Master of the Grammar School of the Burgh of Edinburgh, and formerly Professor of Humanity in the University of Edinburgh, 586 and 586 n., 592.
—— Patrick, "outwith the West Port" of Edinburgh, 790.
—— Robert, in Kirkwood, 668.
—— Mr. Thomas, minister at Corlaquhy, 586, 592.
—— William, 212.
—— William, in Cupar, 558.
—— William, merchant burgess of Edinburgh, 370, 466; cautioner, 469.
Rait, George, in Coff, 167, 272.
Raleigh, Sir Walter, in the Tower of London in 1616 ; reference to him by the King in the *Counterblast to Tobacco*, 517 n.
Ralston, Patrick, younger, at Paisley, 617.
Ramage, William, in Blackhouse, cautioner, 614.
Rampherlie (Ranfurly), the laird of, prisoner in Islay, 717. *See* Knox.
Ramsay, Agnes, relict of Ker of Suderlandhill, now wife of Mr. John Elphinstone, 508, 514.
—— Alexander, 261.
—— Alexander, in Arbroath, charged with assault, breach of ward, and other offences, 345, 351.
—— Alexander, in Leith, deceased, 793.
—— Mr. Andrew, minister at Edinburgh, appointed one of the Commissioners in the New Court of High Commission, 437 n.
—— Andro, in Kinnear, 644.
—— Archibald, brother of the late John Ramsay in Innerchebitt, 309.
—— Archibald, in Wester Innerchebitt, 404.
—— Captain, in Brechin, deceased, 37.
—— Mr. Colin, brother of the laird of Murie, 18.
—— David, a gentleman of the Guard, 50, 354, 357.
Ramsay, David, in Hillhead, 138.
—— David, 260.
—— David, son of John Ramsay, "callit Blak Johnne of Pryourlethame," order to, to restore a bridge which he has destroyed, 349–50, 352.
—— Helen, spouse of Patrick Home, 146.
—— Helen, spouse of Mr. Andro Forrester, 450.
—— James, in Kynneir, 643, 644.
—— John, son of Captain Ramsay in Brechin, action against, by James Baldevie of that Ilk for abduction of his grand-daughter, 37–8.
—— John, grieve to Menzies of Pitfoddells, 173.
—— John, in Innerchebitt, deceased, 309.
—— James, bailie of the Queensferry, 335.
—— John, father of David Ramsay, 349.
—— John, at Leith, 356.
—— Mr. John, minister of Aberdour, appointed one of the Commissioners in the New Court of High Commission, 437 n.
—— John, son of late Alexander Ramsay, 793.
—— Thomas, goldsmith, burgess of Perth, charged with taking usurious interest, 170.
—— William, provost of Montrose, 161.
—— William, in Pittenweem, 791.
—— of Balmayne, justice of the peace in Kincardineshire, 266.
—— of Banff, George, justice of the peace for Perthshire, 168.
—— of Cockpen, Nicol, 291, 372, 382, 590, 592; and his wife, 590, 596.
—— of Dalhousie, Sir George, cautioner for Robert Abroche MacGregor, 246; justice of the peace for Edinburghshire, 406, 833 ; 431, 441, 450, 622.
—— of Jordanstown, John, justice of the peace for Perthshire, 168.
—— of Mure, William, cautioner for the Earl of Errol, 35–6.
—— of Priorlethame, John, 83, 91.
—— of Priorletham, James, warded in the Tolbooth of Edinburgh, 428, 419, 425, 430, 431, 441, 447, 450, 452, 470.
—— of Wyliecleuch, Sir George, justice of the peace for Roxburgh, 162, 163.
—— of Whitehill, cautioner, 452.
Ranik (Renwick), Matthew, in Wanloppis, 391.
Rankeillour, the laird of, 514.
Rankine, Alexander, 687.
—— John, burgess of Dundee, 674.
Rannald, Clan, Captain of, 303, 308. *See* Clans.

Ransom, appeal of Council to collect a sum of money for, of slaves, 465.
Rape, prosecutions for, 234, 267, 351, 514.
Raphoe, the Bishop of, 382 n. *See* Knox.
Rates, Book of, lxxxiv.
Ratter, the laird of, expenses of, in connection with the demolishing of the Castle of Kirkwall, to be allowed him by the Council, 288.
—— sheriff-depute of Orkney, 295, 308. *See* Sinclair of Ratter.
Rattray, Mr. David, minister at Cruden, appears as procurator, 474.
—— Walter, in Bordland, fined 200 merks for resetting the Clan Gregor, 151.
—— of Craighall, Silvester, justice of the peace for Perthshire, 168.
Ravatt, Andro, collier, 27.
Ravenscraig, Lady. *See* Cockburn, Jean.
Reach (Riach), Robert, cordiner at Drumnacarrie, fined 200 merks for resetting the Clan Gregor, 148.
Rebellion, cases of, 19, 90, 91, 123, 124, 141, 142, 163, 212, 213, 234. *See* Processes.
Reddick, Edward, 352.
—— John, 375.
—— Paul, in Kelrigis, 391.
—— of Barharrow, John, 344–5.
—— of Dalbatie, John, 365.
Reddie, Margaret, spouse of David Hogg, 512.
Register House, the King's, within the Castle of Edinburgh, 354.
—— Clerk of. *See* Hay of Newton and Hay of Netherclift.
Registration of marriages, births and deaths, act to establish, in the parishes of Scotland, 669–70, 670 n., 687.
Reid, Andro, in Burneheid, deceased, 667.
—— Andro, in Castelmeidie, son and heir of the above, 667, 687.
—— David, in Aikenhead, 82, 91.
—— Donald and John, in Logyrait, 508.
—— Henry, in Bracho, fined 50 merks for resetting the Clan Gregor, 229.
—— *alias* Douglas, James and Robert, at Logyrait, 508.
—— John, in Dowallie, 220.
—— John, 260.
—— Mr. John, parson of Logie, 279.
—— John, 300.
—— John, sometime in Tarland and now in Bellistred, 633.
—— John, in Castletoun, 794.
—— Lawrence, wobster, burgess of Perth, 50, 65.
—— Matthew, in Blaksyde, 636.
—— Peter, 351.
Reid, Walter, in Nuremberg, successor to Andrew Scott, 296.
—— William, in Achschigartane, relict of (a kinswoman of Colquhoun ofLuss), 177.
—— William, sheriff-depute of Kincardine, 795.
Reidhall, the laird of, younger, justice of the peace for Edinburgh, 833.
Reidheugh of Cultibragane, James, 114; one of the landlords of the Clan Gregor, 133.
Renfrew, burgh of, charge to the, 192–3, *see* Stercovius; commissioners of the, 193; market-cross of, 741.
—— (shire), 18; in the service against the Isles, 364; commission of the peace for, 637. Sheriff of, *see* Semple. Baron of the Barony of, *see* Charles, Prince.
Renik (Renwick), Matthew, 391, 392.
Rentoun, the Goodman of, 677.
Rents, the King's, 43, 68, 174, 295, 334; act of Council by proclamation ordering the creditors of the King to exhibit their claims for payment in the first instance to the Commissioners of the, 408.
Reoch (Riach), Mr. James, 647.
Reset: of the Clan Gregor, the crime of, described in detail, by the Earl of Argyle in his complaint against Allan MacDougall of Dunolly, 176–7; of John and Donald Calder, and the meaning of the term given in full, 202, 265. *See* Fines.
Reule, James, son of Janet Craw, 58, 81, 91.
Rhynd, Alexander, brother of Rhynd of Kers, 59.
—— (Rynd), Alexander, at Pittenweem, 791.
—— Gilbert and John, 212, 260.
—— Gilbert, brother of Rhynd of Kers, 448.
—— Harry and Alexander, prosecuted for wearing pistols, 91.
—— Jean, in Forfar, sister of Gilbert Rhynd, 428.
—— John, 123.
—— William, servant of Rhynd of Kers, 59.
—— of Kers (or Carse), John, 59, 105, 177, 194, 447, 448, 486, 577, 592, 628.
—— of Balhungie, Gilbert, 428.
Riach, Doull, in ——, 187.
—— Duncan, in Oversiach, fined for resetting the Clan Gregor, 227. *See also* Reach and Reoch.
Richard, John, in Caldcoitis, 511.
Richardson, George, witness, 400.
—— John, in the Canongate, 523.
—— Margaret, spouse of William Hutton at Anstruther, 350.
—— Thomas, bailie of Pittenweem, 791.
—— of Smetoun, Sir James, sheriff of Edin-

burghshire, 381–2, 389 ; justice of the peace, 406.
Richesoun, James, in Kirktounhill, 487.
Richholme, John and William, at Pittenweem, 791.
Richmond, manor of, royal letter dated at, 250.
Rid, John, in Helliwoling, 618.
—— Robert, in Duthell, fined for resetting the Clan Gregor, 120.
—— Patrick, in Storiebankis, 618.
—— Thomas, in Tounfoot, 618, 655.
Riddell, of that Ilk, justice of the peace for Roxburgh, 162, 332.
Rigg, Elizabeth, spouse of Ramsay of Cockpen, 590, 596.
—— William, late bailie of Edinburgh, 415, 438, 640, 641.
Right of way, cases of, 350, 432–3, 544–5.
Riot, cases of, 19, 40, 42, 82, 90, 91, 123, 124, 142, 163, 212, 213, 231, 235, 272, 321, 374, 375, 376, 470, 489, 490. *See* Process.
Ritchie, John, 321.
—— Jok, in Dernholmschaw, 391.
—— Susanna, at Montrose, 58.
—— Walter, in Ayr, usury case, 411.
—— Walter, one of the officers of the Treasury, sees to the demolition of the Castle of Kirkwall, 322–3.
—— William, in Camsell, fined 50 merks for resetting the Clan Gregor, 226.
Rivers, waters, and burns : water of Annand, 546 ; river Clyde, 533 ; burn of Colbrandspeth in Berwickshire, 543 ; water of Cruden, 495 ; river Dee, in Aberdeenshire, 619 ; the Dunglas burn in Berwickshire, 543; water of Echt, 3; water of Enrick, 423; the Forth, 330 n., 372, 625 (*see* Coals) ; water of Leven, 657 ; water of Little Doven, in the lands of the Earl of Mar, 627 ; the Tay, 302 ; the Thames, 236 ; the Tweed, 643 ; water of Ythan, with its burns, Urie, Brounie, the Nether burn, and the burn of Ketlie, 374, 666.
Roads, repair of, between Falkland and Perth and between Perth and Dundee, 529; the process employed for, 530; the Marquis of Hamilton's report as to certain, 542; in Berwickshire, 543–4 ; in East Lothian, 548–9; in Linlithgowshire, 570–72; charges for repairs of, 620.
Robb, Alexander, surgeon in Aberdeen, 795.
—— John, 260.
—— John, servitor of David Ramsay, 349.
Robbery from the dwelling-houses of certain tenants of Preston of Penicuik, 443.
Robene, John, notary public and clerk, depute of Stirling, 388.
Robertson, Alexander, in Glenbucket, 393.
—— Allaster, in Auchinrey, find 500 merks for resetting the Clan Gregor, 148–9.
—— Allaster, in Kendrochat, fined £50 for the same, 149.
—— Andro, mariner of Leith, 434.
—— Charles, in Atholl, 112, 113.
—— Duncan, in Auchinrey, fined £100 for resetting the Clan Gregor, 149.
—— Duncan, in Dunkeld, 220.
—— David, shoemaker in Torthorwald, 443.
—— Eustasius, at Burntisland, owner of the "Port of Leith," lxii, 578, 708, 709.
—— James, burgess of Montrose, 58.
—— James, upon the west side of Tymmell, fined £500 for resetting the Clan Gregor, 150.
—— James, burgess of Kinghorn, 510.
—— James, bailie of Stirling, 630.
—— John, in Dingwall, fined for resetting the Clan Gregor, 54.
—— John, 124.
—— John Keir, in Auchnachyle, fined 500 merks for resetting the Clan Gregor, 151.
—— Patrick, in Blairfettie, fined 250 merks for the same, 148.
—— Patrick, in Gannochan, 585.
—— Peter, in Stotfauld, 66, 67.
—— Robert, 331.
—— Tarlich, in Darchellik, fined for resetting the Clan Gregor, 53.
—— William, deacon of the "wobsters" of Perth, 50, 65.
—— William, mariner of Leith, 434.
—— of Auchleikis, Charles, cautioner, 116.
—— of Inchemagraniche, Alexander, justice of the peace for Perthshire, 168; cautioner, 383.
—— *alias* Tarlasoun, apparent of Monzeis, John, 116, 124, 383.
—— of Straloch, *alias* Baron Reid, John, fined 2000 merks for resetting the Clan Gregor, 151–2.
—— John, justice of the peace for Perthshire, 168.
—— of Struan, Robert, one of the landlords of Macgregor lands, xxi, 114, 115, 133.
Robson, Robesoun: Alexander and George, sons of Robson in Over Craling, 472.
—— Allaster, in Caithness, 541.
—— Allaster, in Dalrait, brother of Robson in Berridaill, 451, 490, 552, 583.
—— Bessie, at Duncow, 613.
—— Finla and Thomas, in Balmadinthy, 794.

Robson, Robesoun: George, flesher, 527.
—— George, in Kirkwood, 668.
—— Helen, at Querrelwood, 613.
—— James, bailie of Stirling, 541.
—— James, in Duncow, 613.
—— James, burgess of Stirling, 841.
—— in Berridaill, John, 451, 490.
—— *alias* Gun, John, in Langwell, Caithness, 491, 771.
—— John Allaster, in Leodabister, 826.
—— Luis, at Duncow, 613.
—— Thomas, "stabulair" in the Canongate, 138, 142.
—— Thomas, in Over Craling, 472, 489.
—— William, in Edinburgh, 597.
—— of Windieyett, in the barony of Haning, 113.
Rochester, Robert Ker or Carr, Viscount, vi, ix, x, xi, xii, xiv, 30 n.; admitted of the Council, 157–8; account of his career, and of his influence in the royal household, in English and in Scottish affairs, 158–9 n.; reference to his appointment in 1613 to the then vacant High Treasurership, and account of his subsequent disgrace and dismissal from the office in 1616, 200 n., 675–6 n.; commissions of the peace to, 204, 211, 223; letter from, to Stewart of Killeith, 714.
Rodgie, Marjorie, wife of Andro Dowie, 789.
Roger, Hew, servitor to the laird of Kers, 447–8.
—— John, in Whiteforret, brother of Hew Roger, 447.
—— Margaret, spouse to Hamilton (tailor), publicly scourged in Edinburgh, 467–8.
Rollok, Charles, bailie of Perth, 342.
—— Mr. John, advocate, 356, 375, 443; appears as procurator, 477, 512, 584.
—— Jonet, against Peter Hay, to give her surety, 123.
—— Peter, 123.
—— Robert, younger, citizen of Brechin, 105, 260, 428.
—— of Duncrub, Sir Andro, justice of the peace for Perthshire, 168; quarrel with Drummond of Pitcairn, 326, 331, 511; quarrel with the Master of Elphinstone, 521, 522, 688.
—— of Piltoun, Mr. Peter, formerly titular Bishop of Dunkeld, also formerly a member of the Privy Council, and a judge in the Court of Session, x, xv, xvi; readmitted of the Council, 506, 506 n., 522, 530; present in Council, 515, 525^2, 529, 531^2, 533, 534, 538, 540, 541, 543, 544, 547, 548, 550, 553, 555, 556^2, 560, 561, 565, 573, 575, 577, 580, 582, 583, 584, 585, 588, 592, 595, 605, 613, 619, 623, 627, 638, 639, 647, 648, 652, 655^2, 658^2, 659^2, 660^2 665, 667, 669, 673, 674, 677^2, 681, 686.
Roman Catholicism in Scotland, xcviii–cvii.
Ronald, against Donaldson, 261.
Ronaldson, Margaret, servant of Forbes, sometime of Lethintie, 420.
Rorie, John, 213.
Rorieson, John Reid, in Achalabist, Caithness, and his son, Rorie Reid, 491, 771–2.
Ross, Earldom of, a part of the Queen's rents, 83; Chanonry of, 772.
—— Archdeacon of. *See* MacKenzie.
—— Bishop of (David Lindsay), member of the Privy Council, v, vi, xii, xciii, 44, 294; death of, in 1613, 319 n., 382 n.
—— Bishop of (Patrick Lindsay), son of the preceding, and recently minister of St. Vigeans in Angus, ix, xiv–xv, xciii; commission to, with the Bishop of Brechin, 294; admitted of the Privy Council, 319, 319 n., 321, 382 n.; appointed one of the Commissioners in the New Court of High Commission, 437 n.; in an arbitration case, 541–2; justice of the peace, 668, 840; signs for Council, 379, 430, 440, 445, 446, 451, 579; present in Council, 357, 359, 360, 362, 363, 364, 369, 372^2, 376, 425, 428, 430, 431, 436, 440, 441, 445, 446^2, 448, 449, 450, 451, 452, 479, 534, 538, 540, 541, 543, 544, 573, 575, 577, 580, 582, 583, 584, 585, 588, 592, 595, 602, 604, 660, 667, 669, 673, 674, 677, 762.
—— Abraham, merchant burgess of Glasgow, deceased, and his relict, Jonet Barclay, 197.
—— Alexander, yeoman in Tarland, 633, 652.
—— Andro, burgess of Tain, prisoner in the iron house of the Canongate, released, 195.
—— David, "sister son" to Lauchlane Grant of Wester Elcheis, 796.
—— Donald, 538.
—— Gilbert, provost of Maybole, justice of the peace for Carrick, 204, 619, 833.
—— Mr. James, minister at Aberdeen, 76, 279.
—— James, 147.
—— John, writer to the signet, 547, 552.
—— Nicol, 300.
—— Nicolas, yeoman in Tarland, 633, 652.
—— Oliver, notary public and clerk of the court of the Bailiary of Carrick, 40.
—— Robert, in Little Feirnes, fined for resetting the Clan Gregor, 54.

Ross, Thomas, in Preistshill, 341.
—— Thomas, servitor to Kincaid of that Ilk, 410, 411.
—— Thomas, merchant burgess of Edinburgh, deceased, and his relict Marion Hart, 513.
—— William, burgess of Tain, 370.
—— William, prisoner in Edinburgh Tolbooth, 513.
—— of Ballamuchie, Hew, 531, 552.
—— apparent of Balnagowne, David, fined for resetting the Clan Gregor, 54–5.
—— of Coinache, Nicolas, 370.
—— of Hayning, Mr. Matthew, 484.
—— of Innercharroun, William, 223.
—— of Kilraak, Hucheoun, justice of the peace for Elgin, Forres and Nairn, 619.
—— of Tortrevin, James, 146.
Rosshill (Roishill), John, messenger, 410.
Rothes, Earl of, justice of the peace, 619.
Rothesay, Duke of. *See* Charles, Prince.
Rothus, Peter Claes, skipper, indweller in Rotterdam, 344.
Rotter, Andro, in Knokynney, 830.
Rouch, James, "lorymer" in Aberdour, 396.
Roule, John, in Leith, 426.
Roup of Customs, 619. *See* Customs.
Routh, portioner of Newbirnetown, David, 38.
Routledge, Richard, in Cruik, and James his son, 448.
Row, Mr. Alexander, parson and minister of Stobo, 658.
—— Mr. William, one of the five sequestered ministers in Fifeshire, xciv, 258.
Rowan, James, son of Rowan of Bandane, 84.
—— of Bandane, William, 84, 163, 175–6, 351.
—— of Bandrum, Nicoll, 357, 374.
Roxburghshire, commissions to the sheriffs of, 107, 249, 332, 399, 405.
—— the justice of peace for, 129, 162.
—— hunting in, forbidden, 198–9.
Roxburgh, Robert Ker, Lord of, member of the Privy Council, vi, xiv; elevation to the Earldom of, lxxxviii; commission of the peace for Roxburgh to, 162; his quarrel with Creichton of Ryhill, 165, 166; their reconciliation, 166; 258, 543, 624, 638; signs for Council, 152, 156, 164, 248, 249, 255; present in Council, 108, 109, 113, 115, 124, 127, 133, 135, 144, 153[2], 157, 159, 166, 167, 168, 169, 170, 170, 171, 172, 180, 182, 246, 247, 251, 254[3], 255, 256, 605, 623, 627, 638, 639.
Roy (a highland suffix, not a surname), Annas Man (Thomas MacRoy?), in Wester Abirlemnot, fined 20 merks for resetting the Clan Gregor, 227.
Roy, Duncan, brouster in Mewy, fined 50 merks for the same, 227.
—— Fergus, in Tullingogill, fined for the same, 104.
—— John, brouster at Wester Abirlemnot, fined £20 for the same, 227.
—— John, brother of the baron of Fandowy, fined for the same, 53.
—— Ronald, in Ardinsleitherache, 60, 208–9.
Royal Residences. *See* James VI.
Royston, in England, royal letters dated at, ix, 21, 171, 174, 197, 203, 278, 315, 757, 822, 846.
Rufforde in England, royal letter dated at, 263.
Ruglen (burgh), commissioners of, 193.
Russell, Helen, relict of Alexander Thomson, 512.
—— James, in Eiston of Stobo, 510.
—— John, 235.
Rutherfurd, Adam, 235.
—— Adam, bailie of Jedburgh, 583, 592.
—— George, 351, 374.
—— John, in Wester Abirlemnot, fined £20 for resetting the Clan Gregor, 227.
—— Mr. John, sheriff-depute of Roxburgh, 379; commissioner for the burgh of Jedburgh, 572.
—— Margaret, relict of Mark Turnbull, 468, 470.
—— Robert, at Jedburgh, son and heir of Adam Rutherford, 583, 592.
—— William, messenger, 135, 136.
—— of Hundelie, Nicol, 29.
—— of Hunthill, John, feud with Ker of Grange, 395, 399, 402.
Rutherglen or Ruthglen (burgh), charge to the magistrates of, 192–3. *See* Stercovius.
Ruthven, Captain, 375.
—— (or Rowane), of Bandane, or Ballindane, William, and his son William, 117, 118, 124, 154, 154–5.
Ryshdow, John, in Falkland, 98.
Ryvisdaill, Mure, lands of, 276.

Sabbath-day, markets held on the, 167.
Saich, John, son of Robert Saich, 621–2.
—— Robert, in Friartoun, 621.
Sails, action for the delivery of, belonging to a Dutch skipper, 344.
St. Andrews (burgh), reference to a Court of High Commission held in, 44 n.; the priory of, 59; case of riot in, 82–3; an impost on

ships and goods granted to, for the repairing of the pier and harbour of, 85–6, 91, 98; the magistrates of, 85, 277, 284, 621; the commissary-clerk of, 106; abstraction of documents from, by Eviot of Mureton and others, 131, 142; the Archdeacon of and Vice-Chancellor of the University of, appointed justices of the peace for Fife and Kinross, 156, 265; charge to, 192–3, *see* Stercovius; commissioners of, 193; sequestration of the Earl of Sutherland in, 207; the Earl of Errol warded in, 272, 279; death of Archbishop Gledstanes in the Castle of, 327–8 n.; consolidation of the two Courts of High Commission, 435–7 n.; act of public humiliation of Ramsay of Priorletham, in the kirk of, 452; the degree of Doctor of Divinity conferred upon protestant ministers, for the first time in Reformed Scotland, by the University of, xcvii, 586 n.; the Province of, xcv; the Archdeacon of, *see* Gledstanes, Mr. Alexander.

St. Andrews, the Archbishop of (George Gledstanes), v, vi, xiii, xciv; resident in the Castle of St. Andrews, and entertains the Court of High Commission there in April 1613, 44 n.; in council business 57; present at sittings of the Court of High Commission, 61, 65; grants a warrant to John Gordon, at the request of the Council, 65; commissions of the peace to, 67, 156, 168, 223, 265, 266; case remitted to, by the Council, 83; prosecutes persons discovered to have attended mass in Edinburgh, 813–14; arbitrator in a dispute, 89, 91; cited to appear, 163, 298; complaint against Rhynd of Cars, 177; Council's letter anent, 242; censor of books, with the Archbishop of Glasgow, 252; grants a licence to the Earl of Errol, 278–9; apprehends Mr. James Moffat, 284, 284 n., 289; letter of, to the Council requesting action against George Arnot, 839–40; other mentions of, 5, 64, 203 n., 839, 840; death of, in the Castle of St. Andrews on May 2nd, 1615, 327–8 n.; signs for Council, 44, 60, 68, 72, 76, 94, 96, 100, 107, 132, 170, 205, 206, 208, 242, 248, 249, 251, 255, 256, 286, 292; present in Council, 5^2, 6, 55, 58, 62, 63, 65, 70, 73^2, 75, 78, 81, 89, 91, 93, 96^3, 99, 100, 105^2, 113, 115, 124, 127, 132, 169, 170^2, 171, 172, 180, 182, 183, 184, 197, 198, 200, 201, 202, 203, 204, 205, 206^2, 207^2, 209, 242^3, 243^2, 246^2, 247, 249, 250, 251, 254^2, 255, 256, 284, 286, 287, 288, 292, 293^2, 294, 295^2, 297^2, 298^2.

St. Andrews, Archbishop of (Spotswood), in succession to George Gledstanes, deceased, xii, xx, lxxxix, c, cii, 336 n., 381–2 n.; is one of the two Archbishops to whom is entrusted the censorship of books to be printed abroad, 340; royal letter to, 745; is Moderator of the General Assembly of 1616, ciii, 598–601 n.; commissions of the peace to, 379, 401, 406, 619, 647, 668; oath of allegiance and of homage to the King administered to, in Holyrood Chapel, 411–12; appointed to the Presidency in the United Courts of High Commission, 437 n.; returned from Court and appears at the Council on 30th April 1616, 502 n.; commissions to, anent "God and the King," 521–2; annoyed by the behaviour of the King and the English Bishops in the matter of the Marquis of Huntly's absolution, 562–4 n.; prosecution of papists at the instance of, 576; grants a licence to the Earl of Errol, 597; other mentions of, 493, 521; signs for Council, 388, 389, 414, 423, 424, 430, 435, 446, 539, 555, 559, 579, 598, 636, 637, 650, 666, 667, 668, 678, 757; present in Council, 357, 359, 360, 362, 363, 364, 369, 372^2, 376, 381^2, 383, 399, 402, 405, 407^2, 408, 409, 412, 413, 414, 419, 420^2, 423, 425, 428, 430, 431, 436, 445, 446, 502^2, 507, 529, 531^2, 533, 534, 538, 553, 555, 556^2, 559, 566, 573, 574, 575, 577, 580, 602, 604, 605, 613, 619, 620, 623, 627, 647, 648, 660, 665, 667, 669, 674, 677^2, 746, 762.

Saint Colme, Henry, Lord (deceased), 629.

Saint-days, observation of, desired by the King, 601 n.; prohibited in Morayshire, 650–1.

Salisbury, royal letters dated from, 746, 754.

Salisbury, the Earl of, reference to his death in May 1612, 159 n.

Salmon, illegal fishing on the Ythan, 371; paid as yearly duty, 557.

Salt, impost on, granted to St. Andrews 86.

Saltoun, James, merchant burgess of Edinburgh, and Katherine Tulloch, his spouse, 356, 375.

Sampson, David and Robert, in Quilko, 447–8.

—— Robert, in Boigwick, 447–8

Sandieson, Sanderson, Alexander, in Condlay, deceased, 70, 90.

—— David, reader at the Kirk of Crathie, murder of, 265.

—— James, prisoner in the tolbooth of Haddington for sheep stealing, 340.

Sandieson, John and William, sons of the late Alexander Sandieson in Condlay, 70, 131–2.
—— Michael, in Berwick, 58.
—— Thomas, 843.
Sandilands, of Boyld, James, 473.
—— of Gilliswall, James, 629, 642.
—— of St. Monan's, William, justice of the peace for Fife and Kinross, 156, 265, 625.
Sandis, Bessie, relict of John Fleming, 475.
—— Mr. Patrick, 351.
Sanquhar, the lordship of. *See* Creichton, 68.
—— the late Lord (hanged in London for the murder of a fencing master), lxix, 21, 525, 542–3, 624, 638.
—— William, Lord, cousin and successor of the above, lxix, 21, 132, 242, 252, 253, 254, 256–7, 257, 258, 293–4, 305 n., 437 n., 525, 542–3, 624, 638, 841–2.
Scarlet, *see* Skarlett.
Schieach,——, spouse of Farquhar Cattanach, 496.
Schools and schoolmasters; Mr. David Dalgliesh, at Carnebie, 131; Mr. William Bowie, at Haddington, 432; Mr. John Ray, of the Grammar School of Edinburgh, 586; act ordaining one school to be within every parish, 687.
Scola, James, 260.
Scone, David, Lord of, formerly Sir David Murray of Gospertie, member of Privy Council, vi, xiv, xxii, xci–iii, 27, 58; quarrel with the Lord of Burleigh, 60, 60–1, 73, 76–7, 90, 92; conclusion of the quarrel, 92–3; one of the landlords of the Clan Gregor, 133; justice of the peace, 146, 168, 259, 260, 265; quarrel with Andro Henderson, 261, 297, 297 n., 298, 299, 828; arbiter in a quarrel, 427, 508, 529; sued for debt, 566, 591; commission of justiciary to, 637; royal letter to, 745; signs for Council, 107, 204, 205, 206, 208, 223, 248, 249, 255, 388, 465, 559; present in Conncil, 63, 65, 73, 105[2], 133, 135, 168, 203, 204, 205, 206, 207, 209, 220, 247, 254, 261, 293[2], 294[2], 295[2], 297, 298[5], 299, 300, 381[2], 383, 405, 436, 460, 464[2], 466, 502[2], 507, 553, 555, 556[2], 559, 605, 623, 627, 746.
Scot, Scott: Mr. Adam, minister at Hawick, 434.
—— Adam, in Midschaw Brae, 434.
—— Alexander, "callit of Howfurd," 434.
—— Allaster, in Kilmorich, fined 300 merks for resetting the Clan Gregor, 150.
—— Andro, in Nuremberg, brother of Jonet Scott, in Elcho, deceased, 296.
Scot, Scott: Andro, surgeon, burgess of Edinburgh, and tutor of Margaret Johnston, 648–9, 651.
—— David, in Chalmerlane Newtoun, deceased, 153.
—— David, 259.
—— Elizabeth. *See* Craufurd, Lady.
—— Francis, 212.
—— George, "callit Marion's Geordie," 434.
—— Harbert, in Querrelwood, 613.
—— Hob, murder of, 153.
—— Hob, in the Mains at Hawick, and Walter Scot his son, 153, 156.
—— Ingrie, "callit Stour," 434.
—— James, "callit of Quitehauch," 153.
—— James, in Leith, deceased, father of Mr. William Scott, 309.
—— James, servitor to Sir Gideon Murray, 748.
—— John, bailie and burgess of Selkirk, cautioner, 145.
—— John, in Tortrevin, 146.
—— John, brother to Scott of Moylen, fined 50 merks for resetting the Clan Gregor, 150.
—— John, uncle of Scot of Chalmerlane Newtoun, 153.
—— John, uncle to William Scott of Chalmerlane Newtoun, commission for trial of, for murder of Hob Scot, 153, 156.
—— John, in———, fined £50 for resetting the Clan Gregor, 229.
—— John, against the magistrates of Rutherglen, 299.
—— Mr. John, director of the Chancellary, 311.
—— John, against Scott of Thirlstane, 331.
—— John, against the relatives of umquhile Walter Scott, 351.
—— John, called "the sukler," a Border outlaw, 399, 434.
—— John, servant of Maxwell in Barquhillandie, 481.
—— John, in Newark, 578.
—— John, in Dumfries, 635.
—— John, "cordinair" at Dumfries, 650.
—— John and Adam, brothers of Scot of Bonytoun, 667.
—— John, 687.
—— Jonet, in Elcho, resigns her rights of succession to the property of her late brother Andrew Scott, 296.
—— Dame Margaret, Lady Johnston, 29.
—— Margaret, Lady Howpaislay, 430.
—— Margaret, "callit Jean of Satchell," 434.

Scot, Scott: Margaret, relict of John Deans in Hawick. 434.
—— Philip, 687.
—— Mr. Robert, writer and indweller in Edinburgh, 87.
—— Mr. Robert, minister at Glasgow, 195–7, 307 n.
—— Robert, burgess and one of the Council of Selkirk, 341.
—— Robert, eldest son of the goodman of Salensyd, charged with assault and slaughter, 405.
—— Robert and David, in Logyrait, 508.
—— Robert, in Hartwoodmyres, 578.
—— Robert, 591, 592.
—— Robert, messenger at Selkirk, 793.
—— Sym, called "Symes Willie of Thirlstane," 667.
—— Thomas, in Tynneis, 399, 401, 402, 668.
—— Thomas, appears as procurator, 673.
—— Walter, brother of Scot of Burnefute, 83, 71.
—— Walter, 124.
—— Walter, 142.
—— Walter, son of the late David Scot in Chalmerlane Newtoun, 153, 163.
—— Walter, 212.
—— Walter, deceased, 351.
—— Walter, called "the Braid Androis Wattie," a Border fugitive, 445.
—— Walter, in Essinsyde, slain by Scot of Bonytoun and others, 667.
—— Walter, second son of Scot of Todrig, 667.
—— Wattie, son of Braidis Andro, 434.
—— William, merchant burgess of Selkirk, 145, 421.
—— Mr. William, one of the five sequestered ministers, relieved from ward, xciv, 258,
—— Mr. William, goldsmith, burgess of Edinburgh, son of late James Scott in Leith, banished for gilding silver coin, 308, 309.
—— William in Saltscheillis, a Border fugitive, 434, 445.
—— William, 687.
—— of Balwearie, William, 369.
—— of Bonytoun, Simon, 667.
—— of Buccleugh, Walter, Lord. *See* Buccleuch.
—— of Burnefute, Robert, 83.
—— of Burnefute, William, 667.
—— of Chalmerlane Newton (murder case), 153, 156.
—— of Elie, Mr. William, justice of the peace for Fife and Kinross, 156, 265; clerk to the Lords of Session in a royal Commission for the visitation of the University of Glasgow, 195–7.
Scot, Scott: of Goldelands, Walter, 667.
—— of Haning, Robert, justice of peace for Selkirkshire, 73, 566, 667; provost of Selkirkshire, 793.
—— of Harden, Walter, justice of peace for Selkirkshire, 73, 112; his son, Walter Scot in Essinsyde, 667.
—— younger, of Harden, William, and Agnes Murray, his spouse, 457, 667.
—— of Howpaislay, William, a permanent prisoner in the Tolbooth of Edinburgh, sued for jail fees, 409, 421.
—— of Hundillishoip, John, 673.
—— of Kirkhouses, John, 405.
—— of Moylen, Alexander, 150.
—— of Newton, John, 409, 421.
—— of Salensyd, called the goodman of Salensyd, 405.
—— of Scotstarvet, Mr. John, Director in Chancery, xc, 311; licensed, with his brother-in-law, Drummond of Hawthornden, to eat meat in Lent, 831, 831 n.
—— of Thirlstane, Sir Robert, 66; justice of peace for Selkirkshire, 73, 331, 457.
—— of Todrig, Walter, 628, 667.
—— of Tushielaw, Walter, 140, 159, 434.
—— of Whitehauch, Walter, 156, 434.
—— of Whitsled, Walter, 667.
Scots, base and beggarly, forbidden to resort to England, 324–5.
Scotland: memorabilia in the General Administration by the Government of, during the period included in this volume, lxviii–lxxviii; transport between Ireland and, 463, 531; preparations for the King's visit to, cx–cxv; 515; prohibition of the import, use, and sale, of tobacco in, 516–17, and n.; traffic between England and, 524–5; certain Scottish ports fixed by royal proclamation, from which there shall be commerce with Ireland, 566–70; parish registers established in, 669–70, 670 n. Steward of, *see* Charles, Prince. Vice-Chamberlain of, *see* Livingstone of Kilsyth.
Scott, *see* Scot.
Scougall, John, writer, indweller in the burgh of Edinburgh, 8, 19.
Scourging, public, 467–8; for theft, 283.
Scrimgeour, James, 235, 592. *See also* Skrymgeour.
—— Mr. John, one of the five sequestered ministers in Fifeshire, relieved from ward, xciv, 258.
—— Thomas, cautioner, 688.

Scrogie, Mr. John, advocate, 399–400, 402.
Seals, the Great Seal of Scotland, vii, 95, 164, 174, 195, 200 n.; the Privy Seal, 108, 839; the Quarter Seal, 514; seal and signet of the Commissariat of Edinburgh, 524.
Secretary, the King's. *See* Hamilton and Binning.
Sectour, John, domestic servant to Menzies of Pitfoddels, 173.
Sederunts, the Book of, 291 n.
Selkirk (burgh), magistrates of, in a controversy with Ker of Yair anent their marches, 127, 134–5, 142, 341, 352, 420–21; charge to, 192–3, *see* Stercovius; commissioners of, 193; market-cross of, 199, 332; ward in the Tolbooth of, 793; the magistrates of, fined for illegally putting two prisoners to the torture, 793–4.
—— (shire), commission of the peace for, 73; commission to the sheriffs of, 107; hunting in, forbidden, 198–9.
Sellar, William, 322.
Semple, Bryce, messenger to the Council from the Bishop of the Isles, xxxix, 715.
—— Mr. George, minister at Killillane, 617–18, 618.
—— of Beltreis, Sir James, justice of the peace, 637.
—— of Bruntsheillis, William, sheriff-depute of Renfrew, 482–3.
—— of Foulwood, sheriff of Dumbarton, 274, 275, 430.
—— Hew, Lord, justice of the peace, 204, 619, 637; 475; Sheriff-Principal of Renfrew, 482–3, 523.
Servants and Servitors (domestic), of Gordon of Glenbucket, 393; of Fraser of Muchalls, 371.
Session and Council: cases remitted by the Lords of Council to the Lords of, 129, 168, 302, 419.
—— Clerks of. *See* Hay of Easter Kennett.
Seton, Sir Alexander, son of the Earl of Winton and of Margaret Montgomery, 33 n.; succeeds his cousin-german, the late Earl of Eglinton, and assumes the title, 32–3, 33 n., 310–11. *See* Eglinton, 6th Earl of.
—— George, the late Earl of Winton. *See* Winton, the late Earl of.
—— (Seaton, Seyton), Mr. George, appears as procurator, 421.
—— Henry, merchant burgess of Edinburgh, 154, 163.
—— James, in Winshburgh, servitor to the Earl of Winton, 636.
—— Jean, spouse of Thomas Gilbert, 558.
Seton, John, in Stratoun Mill, 426.
—— Sir John, 528, 543, 549.
—— John, skipper in Leith, 707–8.
—— Marie, spouse of Kininmonth of that Ilk, 460, 584.
—— Robert, 1st Earl of Winton. *See* Winton, 1st Earl of.
—— of Gargunnok, Mr. Alexander, 221.
—— of Kylesmure, Sir William, 4; demission by, of his Sheriffship of the Constabulary of Haddington, with exoneration to him for his past services in the same, 30, 156–7; one of the Commissioners for the Middle Shires, 164; justice of the peace, 266, 379, 647, 833; appears as procurator, 463, 677; applies to the King for the superintendentship of the postal service within Scotland, 832,839.
—— of Meldrum, John, 248.
—— of Northrig, 331.
—— of Pitmedden, James, burgess of Aberdeen, 118.
Seveis, Jonet, indweller in Anstruther, 350.
Shand, Schand, Andro, in Ettles, 66, 57.
—— James, younger, in Ballormie, 66, 67.
Sharp, Mr. James, 352.
—— John, servitor to the Earl of Orkney, prisoner in the Edinburgh tolbooth, lxviii, 282, 283, 301.
—— Mr. John, justice of the peace for Haddington, 833.
—— of Houston, Mr. John, advocate, 349, 359; justice of the peace for Linlithgow, 401.
Shaw, Schaw: Andro, in Glencairnich, at the horn for reset of the Glan Gregor, 71; tenant and servant of the laird of Grant, 139.
—— Andro, mariner in Leith, 444, 445.
—— David, 351.
—— Hew, servitor to Patrick Porter, 596.
—— James, 142.
—— James, in Stephanbigging, 391, 392.
—— John. "stabuler" at Edinburgh, 403, 426.
—— John, 634, 635.
—— Patrick, liberated from the Tolbooth of Edinburgh, 403.
—— Mr. Patrick, minister at Selkirk, 645, 651.
—— Sibbie, in Gymmonbie, 469.
—— William, 123.
—— William, surrender of his pension, dated at Whitehall, 27th February 1615, 355.
—— of Cambusmoir, Alexander, one of the landlords of MacGregor lands, 114, 115, 133.

Shaw, Schaw: of Knokhill, Mr. James, one of the landlords of MacGregor lands, 114, 133.
—— of Lathangzie, justice of the peace for Fife and Kinross, 156, 265.
—— of Sanquhie, cited to appear, 277.
Shed (Sched), James, flesher in Leith, 527.
Sheep and lambs: prosecutions for killing of sheep, 434; for illegal killing of lambs, 843; for sheep-stealing, 162, 170, 340, 446, 472, 539, 542, 547.
Sheil, Martin, smith, sent on the Orkney expedition, 708; action by, against John Skinner, chirurgeon, for repayment of expenses of medical attendance, 351.
—— Robert, burgess of Selkirk, 421.
Sheppard, Robert, servitor to the laird of Layis, 512.
Sherar, Sheirar, Scherar: John, commissioner for the burgh of Stirling, 506; appears as procurator, 509; bailie of Stirling, 630 841.
—— John, in Mugdok, 585.
—— John, 592.
—— Thomas, in Castletoun, 794.
—— William, merchant burgess of Stirling, 841.
Sheriffships, lxviii; intention of the King to introduce reforms in all the, 20, 20–1; the new, of Linlithgow, East Lothian, Haddington and Dumbarton, 20, 20–1, 28, 30, 30–1, 42, 43, 162, 215, 239, 240, 274, 275, 389; of Dumfries, 68; of Caithness, 608–9; various, 677.
Shesope (Schesope), James, bailie of Pittenweem, 791.
Shetland: conference of the Lords of Council with the Bishop of Orkney in the matter of commerce with, 51; pursuit of pirates on the coast between Peterhead and, 240, 241. *See* Orkney and Shetland.
Ships: for the convoy of James VI. and his bride from Denmark to Scotland in 1590, and the expenses incurred for these, by the Burghs, 23–4; impost on, arriving in the harbour of St. Andrews, 85–6; the "Poist of Leith" appointed for the service in Orkney, 262, 700, 708; a ferry-boat appointed to serve as pinnace to the same, 708; seizure of pirate, 250, 348; the King's, sent out in pursuit of pirates, 235–6, 611–12; price of Captain Mason's ship the "Neptune," purchased by the Council, 389; "The Gift of God," 372; "The Unicorn of Leith," taken by Turks on the coast of Barbary, 434–5; pressed for the King's service, 401, 711; "The Grace of God," of Anstruther, 788; a royal, and pinnace, sent to attend the service in the Western Isles, 738; dismissed by the Earl of Argyle after the service is over, 759.
Shires, the: charge to the prelates, lords of erections and other beneficed persons in all the, to exhibit on certain specified days the taxed rolls of their benefices, 55–7; charge to the Commissioners for the Small Barons of the various, to send in yearly to the Director of Chancery the names of those elected to serve in Parliaments as Commissioners for the Small Barons, 502–3.
Short, James, provost of Stirling, 630.
Shortus, William, messenger, indweller in Dunfermline, 40.
—— Robert, in Saling, 357.
Sibbald, David, 259.
—— James, in Pitcorthie, 359, 360.
—— James, 375.
—— John, "sojoure" (soldier?), denounced, 359, 360.
—— Mr. Patrick, at Falkirk, 633.
—— Robert, 235.
—— Thomas, tailor, 359, 360.
—— William, servant, 359, 360.
—— elder, of Lethanie, David, 477, 489.
—— of Rankeillor, James, 479, 489, 508.
Sie, *alias* Grant, Dowle, in Urquhart, 132, 201, 202.
Signatures recorded as being in autograph: of Macleod of Harris, 691; of Sir Donald MacKay, 771; of Lord Berridale, 772; of J. Stewart of Ardsell, 781.
Silver, refining of, 153.
Simpson, Simson: Alison, a Roman Catholic nun, prisoner in the Tolbooth of Edinburgh, banished to Flanders, 237.
—— Mr. Archibald, minister at Dalkeith, 368, 369.
—— David, elder, in Coitis, 38.
—— David, commissioner for the burgh of Dysart, 572.
—— Mr. George, 375.
—— George, servant of Gordon of Inverbrochet, 390.
—— George, in Glenbucket, 393.
—— George, "beddall" at the kirk of Bendochie or Bennechie, 556, 558, 567.
—— John, in Ardrey, 67.
—— Margaret, "servitrice" to Robert Alexander at Anstruther, 550.
—— Mr. Patrick, minister at Stirling, 815.
—— Richard, in Quilko, 447–8.
—— William, in Dryburnside, 40.
—— William, in Ettles, 66, 67.

Simpson, William, at the Mill of Keig, 109–10, 123.
—— William, spouse of Margaret Phillop, 377.
—— William, appears as procurator, 395.
—— William, indweller in Dundee, 831.
Sinclair, brother of the Earl of Caithness, 352.
—— against Elphinstone, 515.
—— Dame Agnes. *See* Errol, Countess of.
—— Alexander, appears as procurator, 526.
—— Andrew, brother of Thomas Sinclair, 830.
—— David, in Clonachie, 42.
—— Mr. George, accused of disaffection in religion, 584–5; to be warded in Fife for recusancy, 609, 611.
—— Henry, brother of the Earl of Caithness, 701.
—— James, in Boirlune, 823.
—— John, tenant and servant of Grant of Rothiemurchus, 93.
—— John, merchant burgess of Edinburgh, 110, 123.
—— Sir John, kinsman and deputy of the Earl of Caithness in Orkney; approbation of his service in Orkney when left in charge there by the Earl of Caithness, with exoneration to him for the same, and order for the payment of his expenses, lxvi–vii, 319–20, 321.
—— John, servitor to the Earl of Caithness, 348.
—— John, brother to the laird of Achannachie, 497, 499, 501.
—— John, 542.
—— Captain Lawrence, in Dysart, uncle of Patrick, Lord Sinclair, action by, against his nephew for intended assault upon himself and his spouse, 58, 90.
—— Lawrence, son and heir of Sinclair of Burra, justice of the peace for Orkney, 223.
—— Patrick, in Auchannachie, 341.
—— Robert, 212.
—— Thomas, 552.
—— Thomas, in Scrabster, 823.
—— Thomas, officer of the Earl of Caithness, 830.
—— William, 212.
—— William, brother of the laird of Herdmestoun, licensed to travel, 336.
—— William, servant of the Earl of Caithness, 823.
—— of Blans, William, justice of the peace, 266, 379, 647, 407; spouse of Lady Torthorwald, 443, 555, 582.
—— of Borrowstoun, Henry, 823.
Sinclair of Burgh, Lawrence, 707.
—— of Burra, Arthur, justice of the peace in Orkney, 223.
—— of Catboll, Sir William, son of Lady May, 538, 552.
—— of Duny, David, 251.
—— of Ewinstoun, Thomas, 526.
—— of Gaynis, son of Lady May, 538.
—— of Herdmeston, justice of the peace, 266, 336, 379, 647; sheriff of Haddingtonshire, 382.
—— of House, Arthur, 707.
—— apparent of May, William, licensed to go abroad, 96, 197, 823.
—— of Murchill, James, 223, 251; sheriff of Caithness, 608–9, 823.
—— of Quendaill, James, justice of the peace, 223.
—— of Quendaill, Malcolm, 707.
—— of Ratter, John, 77, 223, 251, 308; cautioner, 423; sheriff-depute of Orkney, in temporary charge of Kirkwall Castle, 728, 823, 826.
—— of Roisling, William, 426.
—— apparent of Roisling, justice of the peace, 406, 406 n.
—— Patrick, Lord, action against him by his uncle, Captain Lawrence Sinclair, 58, 90; other actions against him, 87, 160, 163, 260, 261; commission for the apprehension of, 209; cited to appear, 277; committed to ward in the Castle of Edinburgh, 295.
—— (of Berridale), William, Lord, son of the Earl of Caithness, commission to, against Jesuits in Caithness, 251; cautioner, 771–2.
Skarlett, Helen, relict of George Hoddum, 93, 123.
Skelton, William, "citizen of the city of London," 8, 19.
Skemure, John, surgeon, sent with the expedition to Orkney, 707.
Skene, Mr. Alexander, a son of Sir John Skene, Clerk-depute to the Clerk of Register and Keeper of the Register of the Hornings, xi, 841.
—— James, writer, 522.
—— Mr. John, a younger son of Skene of Curriehill, 49; deputy to the Clerk of Register, xi, 556.
—— of Curriehill, Sir John, member of the Privy Council, viii, xi, xiv, xvi, 49, 210, 210–11 n.; retires from the Council, 540–1, 541 n.; present in Council, 210^2, 213, 218, 219, 230, 232, 236.
—— Mr., afterwards Sir James, son of Skene of Curriehill, a Senator of the College of

Justice, xi, xvi, 210 n.; admitted of the Council in room of his father, 540–1, 541 n.; signs for Council, 619; present in Council, 540, 541, 543, 544, 547, 548, 550, 553, 555, 556[2], 560, 561, 565, 566, 573, 575, 577, 580[2], 581, 582, 583, 584, 585, 588, 592, 595, 605, 613, 619, 623, 627, 638, 639, 647, 648, 652, 655[2], 658[2], 659[2], 660[2], 667, 673, 674, 677[2], 681, 686.
Skiddam (Schiedam) in Holland, 344.
Skinner, Alexander, elder, in Eister Starhill at the town of Smiddiehill, 246.
—— Alexander, son of the above, murder of, 246.
—— John, chirurgeon, 351.
Skinners of Stirling, and their deacon, 8.
Skins, export of, lxxi, 356, 374.
Skippers, 342, 344, 470, 634.
Skirton, Harry 90.
Skirvane, William, in Hailles, 425.
Sklaitter, John, in Maybole, 42.
Skrymgeour, James, licensed to travel, 393.
—— of Dudhope, John, father of the above, 117, 345, 393; justice of the peace, 668.
—— of Fardill, James, 522, 583–4.
Skye, Isle of, 330 n.; mines in, 525; Donald Gorme of Slaitt detained by illness in, 772; list of stone-houses, or castles, in, 821.
Slains, the barony of, in possession of the Earl of Errol; commission against thieves in, 499, 674.
Slates, impost on, granted to St. Andrews, 86.
Slaughter. *See* Lambs, Murder.
Sleich against Donaldson, 261.
Smaillane, George, indweller in Leith, 27.
Small, Andro, "wobster" in Kintore, charged with theft, rape, and seduction, 267.
—— Andro, in Grange, prisoner in Couper in Fife, 643, 644.
—— James, servant of George Mustard, 558.
—— (Smail), John, merchant burgess of Edinburgh, 8, 19.
—— William, in Roxburgh, 427.
Smart, Andro, sometime servant of Lady Howpaislay, 430.
—— William, 234.
—— William, at Pittenweem, 791.
Smetoun, Harrie, 260.
—— William, skipper in Leith, 415.
Smetoun-Richardsone, the laird of, justice of the peace for Edinburgh and Haddington, 833.
Smith, Smyth: Adam, in Titwood, 787.
—— Alexander, in Muchalls, 511.
—— Alexander, sheriff-depute of Fife, 643.
—— Andro, at Newbirnetoun, 38.
Smith, Cristie, in Holmheid, 468.
—— George, at Pittenweem, 791.
—— Hucheoun, in Achabraill, 830.
—— Issobel, in Belstoun, 38.
—— John, in Laidard, fined for resetting the Clan Gregor, 102.
—— John, at the kirk of Dalrymple, 117.
—— John, 260.
—— John, in Netherbow, 577.
—— Magnus, 322.
—— Richard, 212.
—— Thomas, umquhile in Edinburgh, deceased, 492.
—— Thomas, in Lundem, 508.
—— William, miller at Dumfries Mill, 72.
—— William, tailor, burgess of Edinburgh, 138.
—— William, in the Mains of Leask, 365, 379.
Snyp, James, at the Mill of Machirnoche, 475.
Somerset, Earl of. *See* Rochester, Viscount.
Somerset, Countess of, account of her part in the murder of Sir Thomas Overbury, xi, 676 n.
Somervell, Somerville: Adam, in Tounheid of Ranthrow, usury case, 411.
—— Alexander, servitor to the Earl of Wigton, 408.
—— David, 213.
—— Hew, appears as procurator, 531.
—— of Caldlaw, Robert, 2, 116, 117.
—— of Cambusnethane, justice of the peace, 211, 266.
—— fear of Plane, Alexander, 168.
Sorcery. *See* Witchcraft.
Sothert, William, 592.
Souter, George, in Brechin, 58.
Spain, escape of Sir James MacDonald from Ireland to, lvi.
Spalding, David, skipper, burgess of Dundee, 400, 402.
—— John, in Cotoun of Murrays, 481.
Spark, John and David, in Barrais, 511.
Speid, in Tillihoitt, Andro, 365.
Speir, William, merchant burgess of Edinburgh, and spouse of Jonet MacNaught 365; bailie of Edinburgh, 415, 438, 482, 542.
—— William, bailie of the burgh of the Canongate, 456.
Spence, Alexander, smith in Dysart, 674, 687.
—— George, 515, 651.
—— George, "brother-uterine" of Leslie of Wardes, 603.
—— George, son of Spence of Tulloch, 645.

Spence, Helen, 260.
—— James, servant of Sinclair of Ratter, 77.
—— James, appears as procurator, 464.
—— (Spens), James, at Inche, 812.
—— John, 212.
—— William, burgess of Dundee, 486.
—— (Spens) of Tulloch, Robert, 645, 801.
Spittell, Findlay, tenant of the laird of Merchiston, 41.
—— *alias* Waird, James, baxter at Stirling, 632.
Spotswood, John. *See* Glasgow, Archbishop of, and St. Andrews, Archbishop of.
Spott, the laird of, appointed to one of the new sheriffships, 28, 43. *See* Douglas of Spott, Sir James.
Sprewll, Robert, burgess of Glasgow, 29.
Spulyie of Cattle. *See* Cattle.
Spynie, regality of, 650.
Squire, John, in Fynnoch Hauch, 585.
—— (Squyre), William, in Cultirhuiff, 60.
Staig, Thomas, "coill greve," 27.
Stane, John, 146, 147.
Stark, John, 452.
Steill, Adam, flesher, burgess of Edinburgh, 395-6, 401.
Stephen, John, in Morhame, 547.
Stercovius, charge to the burghs in the matter of expenses for the pursuit of, 43, 100 n., 164, 191–3, 251 (*see ante* Vol. IX.); payment of the said charge to Mr. Patrick Gordon for his services in the prosecution of, 251.
Stevenson, Alexander, writer, indweller in Stirling, 392.
—— Bessie, spouse of Gawin Murray, charged with witchcraft, 479.
—— James, maltman, burgess and sometime deacon of Stirling, 110, 124, 632.
—— William, bailie of Pittenweem, 91.
Stevin, Morcis, in ——, charged with murder and robbery of James Hogg, when travelling with him over a moor near Alnwick, 249.
Stewards (land), commissions to all, 241, 271–2.
Stewart, ——, 376.
—— in Over-sheills, 72.
—— —— one of the Guard, 584.
—— Agnes, in Inchgothrik, 586.
—— Alexander, in Temper, fined for resetting the Clan Gregor, 53.
—— Alexander, in Dowart, fined for the same, 103.
—— Alexander, in Portnellane, fined for the same, 104.
Stewart, Alexander, brother-german of George Stewart of Clocholdiche, 220.
—— Alexander, in Glenogill, fined 50 merks for resetting the Clan Gregor, 228.
—— Alexander, burgess of Edinburgh, 376.
—— Alexander, son of Stewart of Roisland, appears as procurator for his father, 407.
—— Alexander, in a quarrel with Pringle of Buckholme, 452, 455.
—— Alexander, at the Mill of Killerne, 586.
—— Alexander, son of the late Walter Stewart in Inverness, 678.
—— Allaster, in Drumquheene, 53.
—— Allaster, in Pittimoss, fined 50 merks for resetting the Clan Gregor, 151,
—— Allaster, in Bofrak, fined 100 merks for the same, 151.
—— *alias* MacEan Gromiche, Allaster, in Innerloche, 482.
—— Allaster, son of Stewart in Drumquhen, murder of, 404–5.
—— Andro, in Wodsett, 18.
—— Andro, the magistrates of Burntisland against, 261.
—— Andro, in Balquhidder, fined 20 merks for resetting the Clan Gregor, 228.
—— Andro, messenger in Burntisland, 396, 401.
—— Arthur and Robert, sons of the late Harry Stewart, 344.
—— Barbara, relict of James Muir, 586.
—— Duncan, in Duncragan, fined for resetting the Clan Gregor, 104.
—— Elspeth, relict of the murdered John Stewart, 405.
—— Francis, son of the late Earl of Bothwell; answer of the King to his petition for restitution to him of the Abbacy of Kelso, 439, 514, 518–19.
—— George, in Lanye, fined for resetting the Clan Gregor, 104.
—— George, in Drumcastell, 149.
—— George, at Dalguis, fined £100 for resetting the Clan Gregor, 152.
—— George, in Drumquhen, deceased, father of the murdered John and Allaster Stewarts, 405.
—— Harry, in Stradie, deceased, 344, 352.
—— Harrie, page to the late Earl of Orkney, liberated from Edinburgh Tolbooth, lxvii, 403.
—— Lady Henrietta. *See* Huntly, Marchioness of, *and* Lennox, Duke of.
—— Henry and Patrick, 374.
—— Hew, 212.
—— James, "callit of Jerusalem" prosecuted

for popish practices, xcviii, 65, 118, 126, 126–7 n., 142, 169, 205, 205 n.; banished for life, 318, 327, 352, 364, 369, 589.
Stewart, James, prisoner in the Tolbooth of Edinburgh, to be tried for the crimes of incest and adultery, 68.
—— James, in Anny, fined for resetting the Clan Gregor, 104.
—— James, 124.
—— Mr. James, 212.
—— James, at Mewy, fined 40 merks for resetting the Clan Gregor, 227.
—— James, husband to the Countess of Atholl, 274.
—— Captain James, former Chancellor and Dictator of Scotland, under the usurped title of Earl of Arran, from 1583, to 1585, and father of Stewart of Killeith, 335 n.
—— James, minister at Campsie, 353.
—— James, brother of the late Earl of Orkney, and his cautioner, lix, 372.
—— James, in Kenloch, 376.
—— James, George, and Robert, brothers of the murdered John and Allaster Stewart, 405.
—— Mr. James, commissary of Dunkeld, 442.
—— James, in Glasgow, concerned in the affairs of the Duke of Lennox in the Castle of Glasgow, 521.
—— James, younger, in Glasgow, bids for the customs, 620.
—— James, brother of the late Walter Stewart in Inverness, 678.
—— Dame Jean, relict of Lord Saint Colme, 235, 629.
—— Jean, 300.
—— John, in Callinsaniche, fined for resetting the Clan Gregor, 53.
—— John, son of Allaster Stewart in Drumquheene, fined for the same, 53.
—— John, son of Neill MacWilliam Stewart, fined 200 merks for the same, 148.
—— John, in Portnellie, fined for the same, 102.
—— John Dow, in Brannachyle, fined for the same, 103.
—— John, in Wester Brigend, fined for the same, 103.
—— John, in Carne, fined £40 for the same, 143.
—— John, son to George Stewart in Drumcastell, fined 10 merks for the same, 149.
—— John, bailie in Atholl, fined £2000 for the same, 150.
—— John, son to William Stewart of Tullimat, fined £200 for the same, 150–1.
Stewart, John, in Balquhidder, fined £10 and his son Patrick 50 merks for the same, 228.
—— John, indweller in Montrose, in prison for the murder of William Hamtoun, carter, 242.
—— John, skipper in Leith, master of the ship called "the Poist of Leyth," undertakes to transport forces to Orkney, 262, 700–1; agreement for his pay for the services of his ship, 701, 708, 709.
—— John, 300.
—— John, water-bailie and skipper in Leith, 344, 352.
—— John, 351.
—— John, son of the late George Stewart in Drumquhen, murder of, 404–5.
—— John, 490.
—— Mr. John, Robert, and William, in Grey, 508.
—— John, merchant burgess of Perth, 659.
—— Josias, brother to Lord Ochiltree, quarrel with the Earl of Cassillis, 302; cautioner, 315, 316.
—— Mr. Lues, sheriff-depute of Edinburgh, 403.
—— Margaret, relict of John Mertene, usury case, 411.
—— Neill, in Grodiche, fined for resetting the Clan Gregor, 103.
—— in Tombrak, Neill, fined £50 for the same, 151.
—— Patrick, one of the Guard, 110.
—— Patrick, merchant burgess of Aberdeen, 629.
—— Patrick, in Orkney, 704.
—— Richard, in Arnecreich, 38.
—— Robert, in Tullimat, fined 400 merks for resetting the Clan Gregor, 151.
—— Robert, 212.
—— Robert, younger, in Balquhidder, fined £20 for resetting the Clan Gregor, 228.
—— Robert, natural son of the Earl of Orkney, story of his rebellion in the Orkneys, lix–lxvi, lxxxv, 240, 249, 259, 274–5 n., 287, 289, 297, 297 n., 695, 697, 700–1, 703, 705, 829.
—— Robert and Alexander, 260.
—— Thomas and Robert, in Dykehead, 787.
—— Walter, in Easter Ardchanknok, fined for resetting the Clan Gregor, 103.
—— Walter, in Dewlie, fined 50 merks for the same, 151.
—— Walter, brother-german of the laird of Cragyhall, 154, 163.
—— Walter and Thomas, brothers of Stewart of Dowallie, 220.

Stewart, Sir Walter, bailie-depute of the regality of Glasgow, assessor to the magistrates of Glasgow in the trial of Ogilvie the papist, 305 n.
—— Walter, son of Walter, Lord Blantyre, 585–6, 592.
—— Walter, deceased, burgess of Inverness, murder of, 678.
—— William, in——,action against, for wool-stealing, 113.
—— William, in Duntallich, fined 1200 merks for resetting the Clan Gregor, 152.
—— William, 260.
—— William, merchant in Ayr, usury case, 411.
—— of Ardgowan, John, deceased, 18.
—— apparent of Ardgowan, James, also deceased, 18.
—— of Ardgowan, Archibald, a minor, served heir to his late father and brother, 18–19.
—— of Ardishill, John, cautioner for Donald Gorme of Sleat, 778.
—— of Ardsell, John, cautioner, 780, 781.
—— of Ardvolrig, Alexander, fined 500 merks for resetting the Clan Gregor, 228.
—— of Baith, Patrick, 81; justice of the peace for Fife and Kinross, 156, 265; cautioner for the Lady St. Colme, 629.
—— apparent of Baith, Harrie, 475.
—— of Ballachane, Sir James, 150; justice of the peace for Perthshire, 168.
—— of Blackhills, Mr. Walter, 8.
—— of Blantyre, Walter, Lord. *See* Blantyre, Lord.
—— Master of Blantyre, Sir William. *See* Blantyre, Master of.
—— of Boaspik, commission against the slayers of, 405 n.
—— of Bonytoun, Josias (*see* Vol. IX. p. 687); justice of the peace for Ayrshire, 204, 619; cautioner, 308, 361.
— of Carlongyie, Harrie, sheriff and justice of Orkney and Shetland, 842–3.
—— of Castlemilk, Sir Archibald, justice of the peace, 211, 266, 637.
—— of Castle Stewart (Irish peerage). *See* Ochiltree, Lord of.
—— of Clokvoldich, George, fined 200 merks for resetting the Clan Gregor, 150, 220.
—— of Craigyhall, Harry, 7, 19.
—— of Dalguis, John, fined 500 merks for resetting the Clan Gregor, 152.
—— portioner of Dowallie, Mr. John, cautioner, 116, 222.
—— of Dunduff, William, cautioner for Lord Ochiltree, 490.
Stewart of Eister Galdwall, James, 341.
—— of Falshope, Alexander, in a dispute with Pringle of Bukholme, 393, 398, 399, 401, 402, 411, 798.
—— of Garntullie, Sir William, 220, 637.
—— of Gramsey, 212.
—— apparent of Gramsay, Harry, 41.
—— of Graniche, John, cautioner, 8, 116; justice of the peace for Perthshire, 168.
—— of Innerchynnochan, Neill, man, tenant, and servant of William, Master of Tullibardin, now Earl of Atholl, 50; fined £400 for resetting the Clan Gregor, 150.
—— of Killeith, Sir James, uncle of Lord Ochiltree, and son of Captain James Stewart, lxi, lxii, 334–5 n., 212, 239, and his "coming heir," 240; commanded to cause send to Edinburgh two English pirates apprehended in Orkney, 240; King's tacksman, and sheriff of Orkney and Shetland, 247–8, 262, 297, 298, 299, 320, 697, 711–12, 824; transference of the chief command of the suppression of the Orkney rebellion from himself to the Earl of Caithness, 714, 728; acts as arbiter, 304–7, 305, 308, 315; (called here James, Lord Stewart of Ochiltree), assignee of John Murray, Lieutenant of the King's Guard, 589.
—— baron of Kincardine, John, fined for resetting the Clan Gregor, 53.
—— of Kirkland, Walter, 426.
—— of Ladywell, Mr. James, cautioner, 585.
—— of Minto, Sir Walter, justice of the peace, 211, 266.
—— of Ochiltree, Andrew, Lord. *See* Ochiltree.
—— of Roisland, John, 407.
—— of Rossyth, James, 475.
—— of Schillinglaw, Sir Robert, tutor of Traquhair, justice of the peace for Peeblesshire, 49, 72, 106, 107, 123, 254, 452; called of Schillinglaw, 455, 455–6; called of Traquhair, 668.
—— of Schillinglaw, Sir William, 487.
—— of Straloch, Patrick, fined 1000 merks for resetting the Clan Gregor, 151.
—— of Traquhair, John, 445–6, 455, 470, 487.
—— of Tullois, Mr. James, cautioner, 386.
Stirk (Stirok), Robert, in Towie, 112–13, 123.
—— Robert, messenger, 396, 401.
Stirling (Sterling) (burgh), the crafts against the magistrates for imprisoning two of the craftsmen-burgesses, 8–11, 19; mention of, 97; theft of money from the coffers of a burgess of, 110, 124; complaints against the magistrates for wilful arrest and imprison-

ment, and petitions for liberty, 130–1, 142, 193–4, 388, 541, 552, 592; trial of gypsies by the magistrates of, 132; Council's missive to the magistrates of, 163; in the matter of Stercovius, 192–3; commissioners of the burgh, 193; Thomas Hart tried for murder at, 200; assault with violence on the High Street of, 392; a violent riot on a Sunday at, by MacAulay of Ardoch, 460–3, 470, 509–10, 514, 841; the provosts and magistrates of, against the crafts for obstinate and systematic mutiny, 630–33; ward in the tolbooth of, 130, 193, 388, 463, 509; the market cross of, 388, 841; palace of, 459; royal commission with powers to reform the Chapel Royal of, 492–4; Castle of, 517, 518, 561 n.; the Castle, repairs of, in preparation for the King's visit, 623; the "master-cannoner of," 633.

Stirling, Mr. James, minister at Strablane, 353.

—— James, servitor to the Earl of Argyle, 160, 163.

—— John, 375.

—— (Striveling), Patrick, servitor to the late James, Lord of Balmerino, 59.

—— William, parson of Aberfoull, cautioner for the Earl of Monteith, 301.

—— of Achyle, William, 746, 748.

—— of Ardo, Henry, justice of the peace for Perthshire to, 168.

—— of Balquharrage, Robert, 87.

—— of Glorat, John, fined 1000 merks for resetting the Clan Gregor, 227.

—— of Keir, Sir Archibald, xxi; one of the landlords of MacGregor lands, 114, 133; justice of the peace, 168, 211, 266, 329, 401, 833; missive of Council to, to appear and accept his office of sheriffship, 677.

Stocks, punishment of an offender by putting him in the, at Brechin, 232–3.

Stoddart, Patrick, in Swynchopburne, within the parish of Peebles, tutor to the children of the late Thomas Cleghorn, 1, 19.

—— William and John, in Outerburgh, 574.

Stone, Nicolas, carver, citizen of London, engaged by the Council to repair the Chapel of Holyroodhouse, 593–4.

Storie, George, "glasinwricht," burgess of the Canongate, 456.

Stornoway, in the Lewis: coast of, 634; house of, 821.

Stow, regality of, 72.

Strabrok, parish of, 570.

Strachan, Strauchan, Adam, son of the late Strauchan of Glenkindie, 144.

Strachan, Alexander, at the Mill of Bogindoloche, 144, 145.

—— Alexander, at the Mill of Glendy 144, 144–5.

—— James, 259.

—— Mr. James, in Edinburgh, 410.

—— James, notary, burgess of Dundee, 557, 591.

—— John and George, uncles of Strauchan of Thornton, 144.

—— Margaret, sister to the laird of Thornton, 144.

—— Patrick, 375.

—— Robert, in Musselburgh, sentenced to do public penance on two successive Sundays, and to find caution for his performance of the same, 368–9.

—— Robert, son of William Strachan, sometime in Mureailhouse, 144.

—— Mr. Hew (*alias* Doctor), Robert, 144, 145.

—— William, sometime in Mureailhouse, 144.

—— of Crofts, Robert, 365.

—— of Glenkindie, deceased, 144.

—— of Kippertie, William, 674.

—— of Thornton, Alexander, 144, 145, 266, 625.

Strang, John, 687.

—— Mr. John, D.D., 588 n.

—— Nicolas, bailie of Pittenweem, 791.

—— Robert and John, at Pittenweem, 791.

—— of Balcasky, John, 38 (elder of Balcasky), 677.

Strangergill, Walter, at Pittenweem, 791.

Strathauchin, Mr. John, minister at Kincardine, 76.

Strathbogie, property of the Marquis of Huntly, 561 n.

Strathearn, victuals bought in, 10; barony of, 141.

Strathgaith, William, in Strathurd, 637.

Strathnairne, barony of, 141.

Strathnaver, proclamations in the action against Cameron of Lochiel to be made at the market crosses in, 185–89.

Stratoun, Stratton, Alexander, in Toksydhoill, 451, 452, 457, 470.

—— Andro, in Greenhills, 511.

—— Arthur, writer at Edinburgh, 426, 566, 591.

—— Arthur, in Mureheid, 511.

—— George, formerly servant of Forbes of Boquhen, 361.

—— James, writer, 26.

—— James, hatmaker and burgess of Edinburgh, 342, 352.

Stratoun, John, son of Symon Stratoun, 790.
—— Symon, in Nether Liberton, 790.
—— fiar of Lauriston, 208, 212 ; justice of the peace, 266.
—— of Strauch, Mr. Robert, 652.
Struthers, Mr. William, minister at Glasgow, 307 n.; minister at Edinburgh, 829.
Students, forms of vesture for the, of Glasgow University, 196.
Submission to the Council: by the Lords of Scone and Burley, 92 ; by the Bishop of Galloway and the relict of the late bishop, 303. *See* Feud.
Suicide, case of, 787–8.
Sumner, Mr. David, 235.
Sunday: a quarrel in church on, 360; reference to the observance of, anent fishing, 363; account of a public ceremony in Holyrood Chapel on November 26th, 1615 "being Sonday," 411–12, 411 n.
Supremacy, oath of. *See* Oaths.
Supplications, 90, 91, 213, 375. *See* Processes.
Surgeons: John Clavie, the King's apothecary, 160; Thomas Dickson, apothecary, 310; John Flukair, at Edinburgh, 557; John Fraser, 812; Doctor Honeyman gives evidence before the Council, 136; Mr. Clement King, 300 ; MacCairtney, at Edinburgh, 155; Andro Mylne, at Linlithgow (deceased), 615; Harrie Purves, in the Canongate, 802; Alexander Robb, in Aberdeen, 795 ; Andro Scott, 648; John Skemure, in the expedition to Orkney, 707.
Suspensions: of horning, 41, 111, 118, 123, 124, 340, 357, 364 407, 413–14, 451, 470, 496, 526, 542, 589, 639, 645, 652, 660 ; of lawburrows, 123, 212 ; of an order of imprisonment, 526 ; other cases of, 90, 91, 115, 124, 261, 321, 352, 469. *See* Processes.
Sutherland (shire), proclamations in the action against Cameron of Lochiel, to be made at the market crosses in, 185–89.
—— John, in Latheroun Fuile, 830.
—— William, 791.
—— William, servitor to David Dowson, 830.
—— *alias* Reid, William, in Auchabrail, 830.
—— of Camshevey, Alexander, 223.
—— of Duffus, William, 223, 255, 286–7.
—— of Forte, 251.
—— of Kingstarie, James, 440–1.
—— of Ponfra, Richard, 223.
—— of Reachan, David, 223.
—— of Shebeskeg, James, 223.
—— of Torres, Alexander, 223.
—— Earl of, reference to his caution to keep the peace, 78 ; royal warrant to denounce him for his persistence in "papistrie," and requiring him to sequester himself in the city of St. Andrews, 169 and n., 207; 223, 491.
Sutherland, Dame Gordon, Countess of, mother to the Earl; act by royal warrant to denounce her for her persistent "papistrie" and requiring her to sequester herself in Inverness, 169 and n.
Sweden, Council's letters to be written to the King and Council of, 272 ; Scottish subjects in, 637.
Swine (Swyn), Thomas, 545.
Swinton (Swyntoun), James, servant to William Wallwood, 512.
—— Mark, provost of Innerkeithing, 111, 123.
—— the laird of, 591.
Sydserff, of Rouchlaw, William, justice of the peace, 647.
Syme (Sym), Andro, bailie of Kinghorn, 397.
—— Andro, skipper in Burntisland, 634.
—— David, at Stirling, 400.
—— David, factor and chamberlain of the Earl of Errol, 118.
—— John, in Hatoun, 557.
—— John, in Over Denmure, 432.
—— William, tailor at Burntisland, 373.
Symington, Agnes, spouse of Robert Chancellor, at Sheilhill, and her children, Margaret and Archibald, 136.
—— John, in Cathcone, tenant of the Earl of Mar, 136.
Symmer, Robert, son of the late Symmer of Balzordie, charged with murder, 539.
—— of Balzordie, the late, 539.
Symontoun of that Ilk, John, 2, 19, 94, 124, 142 ; justice of the peace, 211, 266.
Symsoun, Andro, "chopman" in Couper Grange, 558.

Tackle, impost on, granted to St. Andrews, 86.
Tacksmen. *See* Customs *and* Taxation.
Tailfer, Alexander, merchant burgess of Edinburgh, 408.
Tailors of Stirling and their deacon, 8.
Tain, burgh of, 23.
Tait, David, "under-customer," 378.
—— George, 552.
—— Robert, in Haltreve, 793.
—— William, in Gaithouscott, 129.
Talbot of Bottell, Mr., 467.
Tallow, 212, 213, 444, 798. *See* Export.
"Tam o' the Cowgate." *See* Binning, Lord.
Tapestry, the King's, 514 ; the royal tapestry, with bedding and other moveables and

household stuff, in keeping of certain of the lords, to be prepared for the King's visit, 515; descripton of the same, 521; declaration of the lords as to the amount of, in their possession, respectively, 521.
Tarbet, sheriff and depute of, 202–3; in the service against the Isles, 364; the macer of, 817.
Tarlasone, John, fined 100 merks for resetting the Clan Gregor, 151.
Tarlochsoun (*alias* Robertson) of Inchmagranich, Alexander, 220.
Tarres, Nicol, at Coutfauld, 557.
Taverns, number of taverns in Leith, regulated by the King, 21.
Taxation, orders anent the payment of the first term of the £240,000 voted by the parliament of October 1612, 33–4, 224; act anent the method to be used in charging persons liable to this taxation who have removed their residence to England, Ireland, or to foreign parts, 204–5; act anent the payment of the second term of this taxation, 262–3; charge for the collection of the same, 333; act to charge all the Archbishops, Bishops &c., to pay this taxation 351; charge for the last term's payment of the same, 503–4; charge to the prelates, lords of erections, and other beneficed persons in all the shires to produce on certain specified days the authentic taxed rolls of their benefices with a view to the rectification of aunuities complained of in the levying of general taxations on the lieges, 55–7; act for the protection of tenants against extortion by their landlords in the general, 78–9; act discharging landlords from unwarrantable levying from farmers of the King's taxes, 91; a five years' tack of the assize herring of Dunbar, granted to Murray of Elibank, 282.
Taylor, Tailyeour: Andro, servitor of David Ramsay, 349.
—— Donald, in Achtvorsane, fined for resetting the Clan Gregor, 53.
—— Donald and Allaster, sons to Finla Tailliour in Drumcheme, fined for the same, 53.
—— Elias, goldsmith at Chirling Croce, and Eister Taylor his spouse, 130, 142.
—— Ewne, in Auchingeich, 178.
—— Finla, in Drumcheme, 53.
—— Hercules, burgess of Montrose, 25, 118; commissioner for the burgh of Montrose, 572.
—— John, burgess of Montrose, 25.
Taylor, Tailyeour: John and Thomas, tenants and servants of Grant of Rothiemurchus, 93.
—— John and James, at Auchregyne, 131.
—— (Tailyefeir), John, 180.
—— Robert, bailie of St. Andrews, 83; commissioner for the burgh, 572.
—— Thomas, fined £40 for resetting the Clan Gregor, 150.
—— Thomas, witness, 400.
—— Thomas, in Kingorth, 557.
—— Thomas, 591.
—— Thomas, deacon of the baxters of Stirling, 631, 632.
—— William, warded in the Tolbooth of Lauder, 112.
—— William, at Auchregyne, 131.
Teinds: actions for non-payment of teind victual, 38, 585–6; the, of Woodland, 588; of the lands of Tofts, 636; poinding for vicarage teinds, 617–18.
Tempill, William, 843.
Tennant, Tennent, Mr. John, 552.
—— Mr. Joseph, minister at Bedreule, 539.
—— of Lenhouse, James, actions against, 2, 235, 331, 351, 356–7, 374, 507–8, 514, 586, 592, 613, 642.
Thames, the river, reference in a royal letter dated at Whitehall to "this river," 236.
Thane (Tain), burgh of, reference to, 23.
—— Alexander, servitor of Bannerman of Elsik, or of Watertoun, 367, 371, 795.
—— John March, a common thief, warded in the Tolbooth of Edinburgh, 27, 65.
—— John, in Benvie, 117.
—— John, against the magistrates of Dundee, 124.
Theft, prosecutions for resett of theft, 2, 72, 112, 113; wool stealing, 113, 265, 322, 331–2, 401, 539, 547, 637, 674, 686. *See* Commissions.
Theobalds in England, royal letters and warrants dated at, 207, 231, 609, 838.
Thesaurer, John, in Casteltoun, 794.
Thetford in England, royal letters dated at, 32, 47–8.
Thirlstane, the laird of, 470.
—— John, Lord, formerly Chancellor of Scotland, 518; created Viscount of Lauderdale, 513–14, 811.
Thislo, William, skipper, 160.
Thom, John, in Loak, 84.
Thomson and others, the Advocate against, "for a found hoard," 552.
—— Adam, 212.
—— Alexander, skipper in Burntisland, deceased, 512.

Thomson, Alexander, in Howlop, 548.
—— Mr. Andro, warded at Dumfries, 124.
—— Andro, 259.
—— Andro, in Over Denmure, 432.
—— Archibald, burgess of Easter Anstruther, 642.
—— David, at Paisley, 617.
—— Duncan, maltman in Stirling, 400.
—— George, mason in Cupar, 558.
—— George, servant of Maxwell in Barquhillandie, 481.
—— Gilbert, sheriff-clerk depute of Aberdeen, and his spouse, Jean Seatoun, 558, 591.
—— Hector, in Querrelwood, 613.
—— James, in Belstoun, 38.
—— James, in Tortrevin, 146.
—— James, in Lundem, 508.
—— James, in Windielaws, against the magistrates of Peebles, 686, 687.
—— James, in Querrelwood, 613.
—— John, 90.
—— John Dow, fined 50 merks for resetting the Clan Gregor, 148.
—— (Thomasone), John, in Farlarie, 223.
—— *alias* Wobster, John, in Stanehyve, 511.
—— John, servitor to Grant of Rothiemurchus, 557.
—— Jonet, at Duncow, 613.
—— Laurence, in Leith, 425, 496, 514.
—— Nicoll, in Leverhay, 391.
—— Robert, in Howgill, 391.
—— Robert, burgess of Haddington, 425.
—— Walter, in Diburlaw, 117.
—— William, deacon of the fleshers of Stirling, 8.
—— William, sometime indweller in the Canongate, 283.
—— William, 352.
—— William, flesher, burgess of Edinburgh, 356.
—— William, burgess of Selkirk, 421.
—— William, servitor to William Lillie at Kirkaldy, 512.
—— William, at Pittenweem, 791.
Thomtalloun (Tantallon). *See* Castles.
Thombegsoun, Andro, in Balmadinthy, 794.
—— David in Mekle Suddy, 794.
—— Finlay, in Casiltoun, 794.
Thornidykes, the laird of, 431, 451, 466, 477. *See* French of Thornidykes.
Thornton, laird of, justice of peace in Kincardineshire, 67.
Thomas, Nicoll, merchant burgess of Linlithgow, against John Henrie and his sons, 644–5, 651.
Three Estates of the Realm: the Burghs, one of the, 193.
Thresoner, Alexander, in Ardinch, 794.
—— Donald and Patrick, in Balmadinthy, 794.
Thurso, brethren of the exercise of, 328.
—— Lord Berridale's house in, 830.
—— market-cross of, 830.
Timber, impost on, granted to St. Andrews, 86.
Tinto, John, in Oversouthwood, cautioner, 614.
Titles: actions against certain persons for assuming. *See* Nobility.
Tobacco, lxxiii–iv; act forbidding importation of, into Scotland, or the sale or use thereof within Scotland, under certain penalties, 516–17, 517 n.; commission to Captain Murray for selling and homebringing of, for 21 years, 659.
Tod, Alexander, appears as procurator, 451.
—— George, appears as procurator, 154.
Todrig, George, younger, merchant burgess of Edinburgh, 436–9, 574, 629; councillor of the Burgh of Edinburgh, 640.
Tolls, in the High Street of Prestonpans, 646.
Tolmeslie, the goodman of, 841. *See* Carnecroce.
Tools and instruments, list of, to be employed in repairing the roads in Linlithgowshire, 571.
Torphichen, parish of, in Linlithgowshire, 221, 571.
—— James, Lord, 613; justice of the peace, 401, 406.
Torrey, levies in, 768.
Torthorwald, James Douglas, Lord, reconciled with Lord Ochitree, with whom he had been at feud since 1608 on account of the slaughter of the late Lord Torthorwald, 1, 45–6, 90, 259, 351, 614, 666, 686.
—— Lady (Dame Elizabeth Carlyle), 443–4, 452, 469, 470, 582, 592.
Tortrevin, parish of, in Linlithgow, 221.
Torture, trial by, 172, and n., 199, 299, 304–7 n., 815–16; illegal use of, by the magistrates of Selkirk, 793–4.
Torwood, survey of the, 549–50, 647.
Tostis, Michael, in Curthramill, 427.
Toshauche of Mekven, Thomas, 97.
Tottenham High Cross, in England, royal letters dated from, 46, 811.
Touch, David, burgess of Kirkcaldy, 147.
—— Gilbert, at the Mill of Bogindoloche, 144, 145.

Towers of Garmilton, Sir George, 629.
—— of Garnetullie, Sir George, justice of the peace for Edinburghshire, 406.
—— of Inverleith, Sir George, commits a thief to his own tolbooth in the West Port, 419.
—— of Pitlochie, and his spouse, Jonet Leslie, committed to the Tolbooth of Edinburgh, 512.
Trades, industries, and inventions, lxix–lxxiv. *See* Mines, Fishing, Monopolies, Coals, Crafts, Wool.
Traill of Bamill, Andro, 460.
Traquhair, the Tutor of. *See* Stewart of.
Travel, licences to: John Elphinstone for five years, 1, 5; the Earl of Montrose for five years, 87; Graham of Claverhouse for five years, 87, 100, 204; to Gordon of Gicht for his lifetime, 206; Lord Berridale, 292; James Douglas for three years, 293; James Dalmahoy, 335, 379, 380, 393, 488; the Earl of Angus, 598, 618, 620, 637; *see* Postal Service.
Treason, case of, 331. *See also* Ogilvie, trial of.
Treasure-trove, at Dumfries, 343, 375.
Treasurer, office of the Lord High: held by Sir George Home of Spott (afterwards Earl of Dunbar) from 1603 till his death in 1611; by Viscount Rochester (afterwards Earl of Somerset) from December 1613 until his disgrace in 1615; then by the Earl of Mar from 17th December 1616, 157–8, 158–9 n., 200 n., 674, 674–5, 675, 675–6 n.; the Treasurer mentioned, 688; Treasurer-depute, Comptroller and Collector-depute, office of, held by Murray of Elibank, 439; duties mentioned as appertaining to the office of the Treasurer or his depute, 10, 90, 174.
Trials, important criminal prosecutions, lxxviii–lxxxiv.
Trinsche, William, flesher, 527.
Troon, impost at the harbour of, granted to the magistrates and council of Irvine for the maintenance of their harbour, 137.
Troqueir, the minister and parishioners of, against Lord Herries and others, 396.
Troup of Pittendreich, William, elder, and his sons, John, William, and Patrick, denounced for assault, 109–10, 123.
Trumpeters, fees of, for their services at the creation of peers and at other preferments, 666; wages of a, 708.
Tullibardine, William, Earl of, xlv, lxvi; one of the landlords of the Clan Gregor, 114, 133; justice of the peace for Perthshire, 168; sheriff-principal of Perthshire, 234, 243, 246; commission against Sir James MacDonald, 260, 321, 330, 330 n., 361, 383, 439–40, 508, 522, 553, 554, 597; cautioner for the laird of MacIntosh, 730–1, 733–4.
Tullibardine, William, Master of, xxi, 50, 81, 91; one of the landlords of the MacGregor lands, 114.
Tullibody, the parish of, granted a toll for three years for repair of their bridge on the road between Stirling and Dunfermline, 555, 591.
Tulloch, Katherine, spouse of James Saltoun, 356.
—— Robert, younger son of Tulloch of Tannacheis, 557.
—— Robert, brother of Tulloch of Tannacheis, 798.
—— of Tannacheis, Alexander, 310, 557; his son and heir, Thomas, 557, 798.
Tullochgorme, the "goodman" of, 71; called "the laird of," 120.
Turnbull (Trumble): Andrew, in Bonchester, tenant of Ker of Littledean, 127–9, 135–6, 142.
—— Andro, son of Turnbull in Rowcastell, 539.
—— James, servitor to Stewart in Oversheillis, 72, 90.
—— Jonet, daughter of Turnbull of Kelfup, 487, 490.
—— Malcolm, burgess of Selkirk, 793.
—— Mark, in Nether Burnechester, deceased, 468.
—— Mark, at Selkirk, servant of Mr. Patrick Shaw, 645.
—— Thomas and John, sons of Turnbull in Bonchester, 127–9.
—— Thomas, in Rowcastell, 539, 552.
—— William, common herd of Selkirk, 421.
—— (Trumble), younger, of Bedreule, William, and his eldest son, Thomas, denounced for deforcement of a messenger, 455, 470, 487, 490.
—— of Kelfup, John, 487.
—— of Raeflat, Walter, 468, 470.
—— tutor of Wowlie, Adam, spouse of Issobell Bowmaker, 356.
Turks, capture of a Leith ship by, 434–5.
Turner, John, Clerk of Court at Wigton, 485.
—— John, younger, in Pirnetatoun, 487; warded in the Tolbooth of Edinburgh, 492.
—— Mr. William, commissary of Wigton, 485.
—— William, in ——, and Bessie Gracie, his spouse, prosecuted for concealing treasure-trove and disposing of the same, 343, 352.

Tweedie of Dreva, Mr. John, 331, 455, 470.
—— of Dreva, James, son of the above, 260, 352; warded for assault, 455, 658, 673, 687.
—— apparent of Dreva, John, 673.
—— of Drumelzier, 351.
Twynem, lands and barony of, 194.
Tyndale and Riddesdale, hunting within the bounds of, forbidden, 198–9.
Tyssone, William, in Latherroune Feuill, 826.
—— William, in Wick, 826.

Uddart, Nichol, bailie of Edinburgh, 415, 438, 482.
Udny, David, spouse of Jonet Scott, 296.
Uigholme, Adam, burgess of Selkirk, 421.
Uist and Barra, certain men of, denounced for harbouring Neill MacLeod and other fugitives from the Lewis, 3–4, 5.
Undow (?), Ninian Pudrach in Auchinerll, fined 20 merks for resetting the Clan Gregor, 228.
Universities and Education, cvii–x. *See* Aberdeen, Glasgow, Schools and Schoolmasters.
Ure, Thomas, in Langside of Cathcart, 586.
—— William, flesher, 527.
Urie, David, in the Inche "callit the King's Inche," 408–9.
—— the laird of, 89, 91.
Urquhart, Hucheon, servitor to James Forbes, 830.
—— James, in Walkerhill, denounced for mutilation of horses, 447.
—— Thomas, servitor to Urquhart of Clochquhorle, 118.
—— of Burrisyairds, Thomas, 310, 341, 798.
—— of Clochquhorle, John, 118.
—— of Latheris, 414.
Usury and usurious interest, *i.e.*, taking "more annual profit for the money given out nor ten for the hundreth," 170; government prosecutions for, 411, 586.

Vagabonds, commissions against, in the North, 298; in Edinburgh and the neighbourhood, cxi–cxii, 470–2, 489, 559. *See* Gypsies.
Vallentyne, George, servitor to Greig of the Haugh of Fongorth, 524.
—— John Dow, fined 50 merks for resetting the Clan Gregor, 150.
Valley, Thomas, in Kettle in Fife, denounced for not appearing to a charge of assault on two women, 586–7.
Vandone, Frances, 582.
Vanrassen, Ginthame, a Fleming licensed to make gunpowder, 284.
Vaus, Alexander, merchant burgess of Edinburgh, 407.
—— David, servitor to James Gordon, 794.
—— Henry, in custody for horse-stealing, 29.
—— of Barnebarrow (or Barnbarrach), Sir Patrick, 50.
—— of Barnbarrach, Sir John, son of the above, cautioner, 688.
—— of Longcastell, Sir John, 50, 116, 124, 212, 260; his son is charged to keep the peace, 549, 551.
Veitch, Alexander, in Hamilton, deceased, 292.
—— Andro, brother to late Veitch of Stewarton, 294.
—— James, in Dalkeith, 433.
—— John and Andro, sons to the late Veitch in Hamilton, 292, 293.
—— Robert, in Stewartoun, 292.
—— of Dawick, William, justice of the peace for Peeblesshire, 73, 107; (feud with Hamilton of Quotquot), 282, 292, 293, 294, 430.
—— of Kingsyde, William (feud with Hamilton of Quotquot), 292, 294, 430.
—— of Stewarton, the late James, slaughtered by Hamilton of Quotquot, 292, 293, 430.
—— of Stewarton,—— (feud with Hamilton, of Quotquot), 430.
Venison, raid upon, 823.
Venturers, the Gentlemen, former attack by, on the house of Stornoway, 821.
Verthie, John, elder, and John, younger, in West Fenton, 425.
Vertue, Catherine, spouse of George Wallace in Corshouse, tried for witchcraft, 4–5.
Vesture, forms of, prescribed for the Students, Licentiates, Regents, Doctors and Governors of the University of Glasgow, 196.
Vicars. *See* Ministers.
Vice-Chamberlain of Scotland, office of, 46–7. *See* Livingstone of Kilsyth.
Victuals, lxxi; laws pertaining to trade in, 10; impost granted to St. Andrews on exported and imported, 86; acts anent export and import of, 281–2; government prosecution for illegal export of, 577–8, 591, 592; provision of fed beef against the King's visit, 667; laws relating to sale of, 688; prices set on various kinds of, to be levied during the time of the service in the Western Isles, 747.
Violence, cases of, 93–4, 144, 351. *See* Processes.

Waddell, David, servant to Lord Sinclair, 58.
Wages: lxxxv; of officials sent to Orkney, 707–8; to James Anstruther, taking a petard to Islay, 726–7. *See* Money.
Waldie, George, carter in Edinburgh, warded for refusing his services at the works going on in Edinburgh Castle, 492.
Waley, Thomas, 592.
Walk, Adam, 592.
Walker, Adam, servitor to the bailie of Selkirk, 578.
—— David, in Fairnot, now in Leterbenach, fined £50 for resetting the Clan Gregor, 229.
—— Gilbert, tenant of Cluny, 803.
—— Helen, relict of umquhile Law in Arnecreich, 38.
—— James, burgess of Edinburgh, 426.
—— John, servitor to Forbes of Lethintie, 82.
—— John, in Tortrevin, 146.
—— John, in Edindurnock and his spouse, 318.
—— John Campbell, 385.
—— John, in Over Denmure, 432.
—— John, in Lundem, 508.
—— John, 659.
—— Margaret, in Stanehyve, 511.
—— Umphra, to be transported fra the Tolbooth of Edinburgh to the Justice Court to be haldin at Jedburgh, 28.
—— William, 260.
—— William, 826.
"Walkers" (Waulkers), the business of, 589, 614.
Wallace, Alexander, in Kirkmaho, 613.
—— Alexander, called "Reid Sandie," 613.
—— David, in Carrizeild, 613.
—— George, in Corshouse, 4.
—— James, burgess of Glasgow, 19, 476, 489.
—— James, at Duncow, 613.
—— John, bailie of Paisley, 18.
—— John, sometime in Kirkmaho, excommunicated, and now in Ireland, commission against for alleged theft, 210.
—— John, in Corslat, spouse of Elizabeth Fleming, 586.
—— John, called "Cressidis Johnne," 613.
—— Martin, 213.
—— Moses, skinner, burgess of Edinburgh, 19, 476, 489.
—— Robert, son of "Cressidis Johnne," 613.
—— Robert, in Aiktrie of Carrizeild, 613.
—— Robert, at Paisley, 617.
Wallace, Thomas, 235.
—— William, 97, 123.
—— of Carnell, Sir John, justice of the peace, 204, 619.
—— of Nether Collane, William, 39.
—— of Dundonald, John, justice of the peace, 204, 619.
—— of Johnstoun, John, justice of the peace, 637.
Walwood, William, messenger, 512.
Wansted, in England, royal letters, &c., from, 581, 844.
Wanderson, Thomas and Archibald, at Pittenweem, 791.
Wappinschaw (weapon-show), proclamation of a general, lxxvii, 244–5.
Ward: Crown rights of, 389; in case of minors, 406; cases of breaking, 206, 241.
—— James, baxter, burgess of Stirling, 10.
Wardes, the laird of, 109–10.
Wardin or Wardane, Robert, 396, 401.
Wardlaw, Andro, younger, 49, 123.
—— Mr. John, 352.
—— Patrick, younger son of Wardlaw of Torrie, 25.
—— Mr. Thomas, provost of Dunfermline, licensed to export linen yarn, 439.
—— Thomas, commissioner for the burgh of Dunfermline, 572.
—— William, bailie-depute to the Earl of Home, 27.
—— William, 515.
—— of Ballmull, also of Pittravie, Sir Henry, Chamberlain to the Queen of James VI., of her wardship of Dunfermline, 38, 83, 91, 110, 123, 125–6; justice of the peace for Fife and Kinross, 156, 265; called "of Pittravie," 483–4, 489.
—— sometime of Pitgormon, Mr. Patrick, second son of Wardlaw, elder of Torrie, 48.
—— of Torrie, elder, Andrew, and Andrew his son, 25, 48, 97, 277, 357.
Warrand, James, burgess of Forres, 557.
Warrants, 68, 91, 141, 142, 352, 374, &c. Royal, *see* James VI.
Warrender, portioner of Balkirslie, John, 38.
Waterson, Allan, 401.
Watertoun, the laird of, justice of the peace in Kincardineshire, 67, 266.
Watson, Alexander, messenger in Aberdeen, 2, 486, 490, 652.
—— David, town clerk of Dumbarton, 792.
—— Helen, indweller in Anstruther, 350.
—— James, in the Lye Mure, 527.
—— John, in Over Kellie, 38.

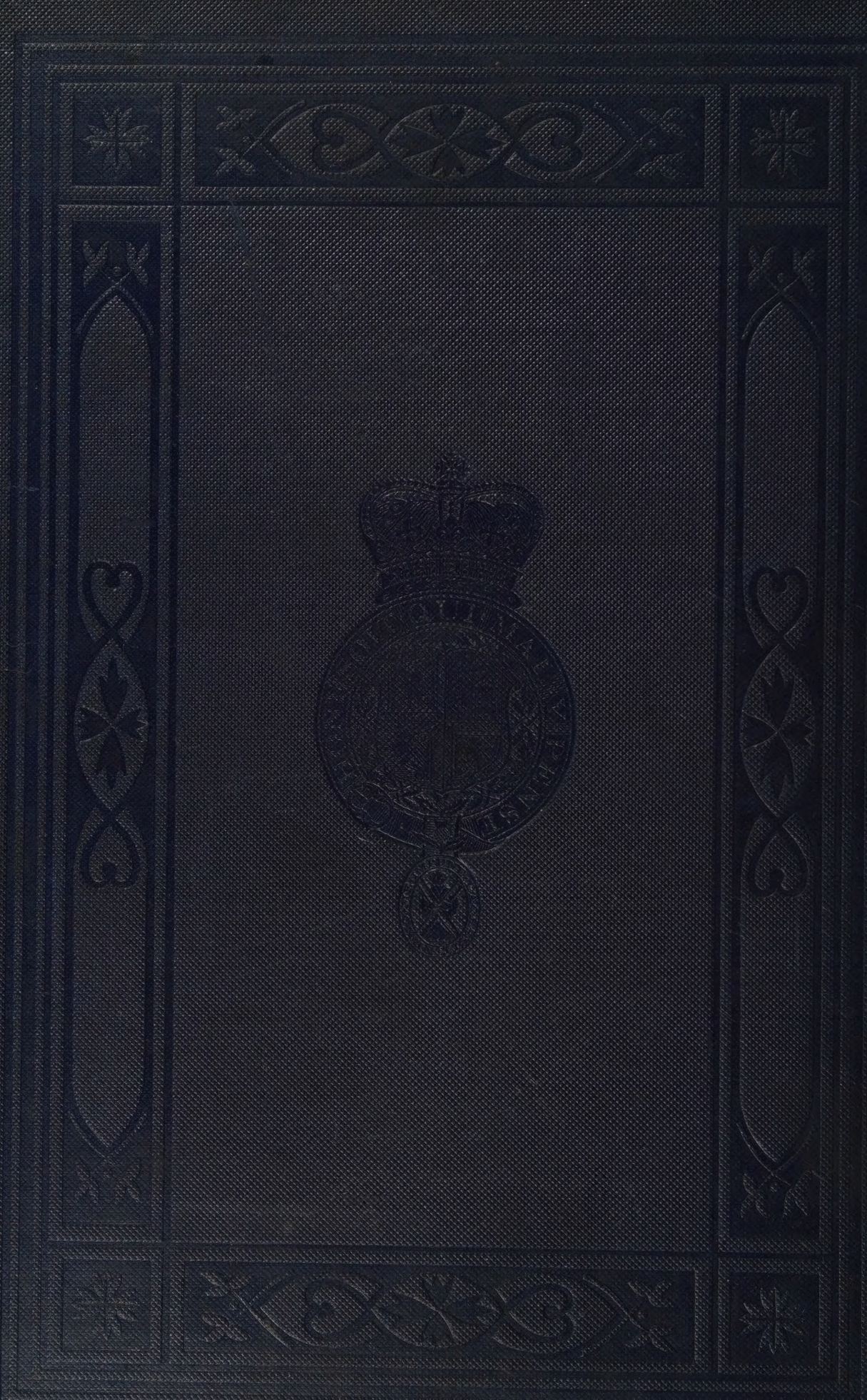
Watson, John, 212.
—— John, 489.
—— John, in Ridpeth, 841.
—— Margaret, at Aberdeen, spouse of Patrick Stewart, 629.
—— Thomas, servitor to the laird of Abercromby, 131.
—— William, 19.
—— William, in Coultfauld, son-in-law to George Gordon, 24.
—— Mr. William, minister at Burntisland, xciv, 327, 329, 420; act and royal warrant for removing him from Burntisland, 429–30, 430 n., 448, 840.
—— William, a prisoner, liberated from ward, 439.
—— William, at Pittenweem, 791.
—— portioner of Coutfauld, Alexander, "*alias* callit the laird," 557.
Watt, Thomas, 272.
Wauch, James, bailie of Selkirk, 793.
Wauchope, Abraham, in Leith, brother of Wauchope of Gleghorne, 99, 115.
—— Marioun, relict of James Veitch in Stewarton, 292.
—— of Gleghorn, George, merchant burgess of Edinburgh, 99, 115.
—— of Niddrie-Merschell, Sir Francis, 130, 142, 212, 272.
Wauchton, ——, at Castletoun, 269.
—— the laird of, 259, 549; justice of the peace for Haddington, 833.
Weapons and firearms, cases of illegal carrying of, 49, 60, 91, 161, 212, 213, 259, 300, 341, 352, 365–6, 370, 371, 379, 386, 403–4, 787, 797; licence to wear, 368, 626; names of various kinds used in attack, 6, 98, 117–18; hagbuts, pistolets, gantillats, 161, bandit staulffis, 167; axes, great mells, 180, 269, 270; a staulff or battoun, 343; "ane whinger" 344, 390, 410, 420, 424, 428, 433, 444, 455–6, 473; a "muscat," 496, 557, 573, 616, 617; a case of pistols sent to be mended in the Canongate, 617, 633.
Wearing apparel, list of, 473.
Websters, the, of Stirling, their deacon, 8.
Wedderburn (Wodderburn): Mr. Alexander, commissioner for the burgh of Dundee, 506, 530, 572.
—— David, 260.
—— Elizabeth *alias* Bessie, spouse of Robert Murray, 486.
—— Katherine, relict of William Duncan, surgeon of Dundee, 400, 402.
—— Robert, burgess of Dundee, and his late spouse Euphame Cousland, 486.
Wedderburn (Wodderburn): the laird of, charged with repair of roads in Berwickshire, 543.
Weights and Measures: of Montrose, Dundee and Arbroath, 448; of Dunkeld in the year 1607, 508.
Weir, Andro, flesher, 527.
—— Gideon, notary and messenger in Lanark, 524, 527–8, 552, 553, 667.
—— James, brother of William Weir, elder, 51.
—— Margaret, 213.
—— Mungo, in Roisburgh, 428.
—— Thomas and William, sons of Walter Weir of Nether Newtoun, at the horn for slaughter of William Carmichael in 1607, 94.
—— Thomas, 272.
—— William, sometime in Walburne, 51.
—— William, George, and James, sons of the above, 51.
—— of Blackwood, George, 199, 209, 212, 224, 240, 785.
—— of Carse, James, 199.
—— of Closeburn, Hew, abduction of, by his relative, Weir of Blackwood, 199, 203, 209, 591, 687, 785.
—— of Nether Newtoun, Walter, 94–5.
—— of Stanebyers, George, 199.
Wells, the common, at Montrose, 161.
Welsh (Welsche), George, merchant burgess of Edinburgh, 145.
—— Patrick, merchant burgess of Edinburgh, 523.
Wentoun, Thomas, burgess of Edinburgh, 652.
—— of Strikmartene, James, justice of the peace, 668.
Wemyss, Gavin, 470.
—— Mr. John, commissary of St. Andrews, appointed a Commissioner in the New Court of High Commission, 437 n.
—— William, in Glasgow, suit of, in a French Court, 207.
—— of Bogie, Sir James, justice of the peace for Fife and Kinross, 156, 265, 266, 322, 524.
—— of Unthank, Gavin, 419, 428, 431, 447, 452.
—— of that Ilk, Sir John, 150, 152, 277, 425, 430; nephew of Wemyss of Unthank, 447, 452, 637.
—— fiar of Wemyss, John, heritable bailie of the waters of Leven, 665, 425, 430, 452.
Whale fishing, monopoly of, given by royal grant to Hay of Netherclift and Mr. Thomas Murray, 330.

White (Wicht, Quhyte): Andro, jailor of the Tolbooth of Edinburgh, 287, 403, 409, 421, 454, 512, 513, 528, 678.
—— James, in Clackmannan, 627.
—— John, in Clackmannan, 628.
—— John, wright, 708.
—— Robert, in Lundem, 508.
—— Robert, in Clackmannan, 628.
—— Robert, at Pittenweem, 791.
—— Thomas, younger, in Paisley, 618.
Whiteford, Mr. Walter, parson of Moffat, and a justice of the peace in Annandale, 162, 163, 546–7, 552.
—— of Mylnetoun, justice of the peace, 266.
Whitehall, palace of, at Westminster: ix, xcii; royal letters, warrants, &c., dated at, 44–5, 47, 164, 176, 233, 236, 237, 483, 506, 518–19, 520, 832, 846, 846–7, 847.
Whitehead, James, portioner at Leny, 426.
Whitesome, John, in Couper Grange, 556–7.
Whittingham, the laird of, 259.
Wick, town of, in Caithness, 197, 823.
Widdrington, Mr. Roger at Berwick, 810, 811.
Wigton (burgh), act in favour of the burgh of, for the purpose of maintaining their harbour, 137–8, 142; order to the magistrates of, anent persons trafficking in stolen goods between Scotland and Ireland, 211, 213.
—— (shire), sheriff of, and his deputies, 71, 210, 211, 213.
—— John, Earl of, member of the Privy Council, vi; justice of the peace for Dumfriesshire, 73, 211, 266, 408; present in Council, 81, 96[2].
—— Countess of, 688.
Wilkene, James, in Over Almagill, 668.
Wilkie, Agnes, spouse of Alexander Dick, 39.
—— Mr. James, bailie of the Canongate, 72.
—— John, notary in Haddington, 425.
Wilkieson, Alexander, town clerk of Lauder, 785.
—— Francis, commissary clerk of Lawder, fined for assault, 213, 785.
—— James, at Lawder, brother of Francis and Alexander Wilkieson, 785.
Wilkinson, Harry, 273.
William, John, *alias* Duncan M'Kilnoser M'Norser, servitor to Buchanan in Bocastle, 424.
Williamson, Agnes, relict of William Elphinstoun, 405.
—— Mr. David, minister at Innerraritie, fined for assault, 660.
—— James, bailie of Montrose, 161.
Williamson, James Stewart, fined 100 merks for resetting the Clan Gregor, 229.
—— John, notary and clerk of the burgh of Stirling, 10, 130, 193.
—— John, in Grange of Conan, 365.
—— John, sheriff-clerk of Stirling, 841.
—— Marion, spouse of Alexander Tailfeir, 408.
—— Ninian, in Auchintullich, 178.
—— *alias* Smith, Robert, son of Thomas Williamson, 397, 401, 470.
—— *alias* Smith, Thomas, burgess of Kinghorn, 397.
—— Walter, in Blairquhoch, 585.
—— William, bailie of Perth, 65, 66.
—— *alias* Orisone, William Allaster, in Russell, 451, 840.
—— William, 659.
—— William, 687.
—— of Morestoun, Mr. Robert, 629.
—— of Termett, Angus, 694.
Wilson, Alison, relict of Alexander Lindsay, 666.
—— Mr. Andro, clerk of Bruntisland, 329, 372–3, 376.
—— Andro, son-in-law of Patrick Hunter in Pitcormie, 368, 376.
—— Andro, son of the late John Wilson, 419.
—— Archibald, tailor in Edinburgh, 790.
—— called "Captain Wilsoun," dwelling above Dysart, warded in the tolbooth of Dysart, 322.
—— Cristiane, at Linlithgow, spouse of Thomas 644, 645.
—— Charles, James, John, and Samuel, brothers-in-law of Francis Hay, "chopman," 454, 470.
—— David, potter in the Potterrow at Edinburgh, 321, 364, 365, 375, 376.
—— David, in Over Craling, 472.
—— David, skipper in Leith, declaration of, 707–8.
—— George, in Cormestoun, 210.
—— John, deceased, 419.
—— John, in Halthorne, 447.
—— John, in Peebles, charged with sheep stealing, 542.
—— John Smith, in the Dene at Edinburgh, 596.
—— John, in Stenneris, 586.
—— John, at the Port, in the townhead of Duncow, 613.
—— Luke, at Duncow, 613.
—— Nicoll, in Duncow, 613.
—— Robert, 351.

Wilson of Crugline, John, justice of the peace for Dumfriesshire, 73.
Winchester in England: Montague, Bishop of, editor of the King's collected writings in 1616, 517 n.
—— Alexander, late provost of St. Andrews, 82.
—— Henry, in Stotfauld, 66, 67.
—— John, at Kynedward, 66, 67.
Windrahame (Winraham): Alexander, 90.
—— James, Keeper of the Signet, 311.
—— (Wynrahame), Mr. Robert, writer, 159, 845.
—— Robert, herald, 708.
Wines: lxxiii; imposts on, to Leith, 21, 38–9; to St. Andrews, 86; the privileges of noblemen anent customs on, 510–11, 514; "country wine," 510; the Highland Chiefs bind themselves to consume only certain specified quantities of, 775, 775–6; act forbidding the drinking of, by the common people of the Isles, 777.
Windsor in England, a royal letter dated at, 816.
Winton, the late Earl of, lxxxviii, 33 n.
—— George Seton, third Earl of, member of the Privy Council: x, xv; commissions of the peace to, 266, 379, 401, 647; admitted of the Council, and takes the oaths of office, 505–6, 506 n.; has the charge and oversight of a given part of the repairs and enlarging of the roads in East Lothian, 549, 570; mentioned, 636; signs for Council, 492, 542, 547, 555, 668, 674; present in Council, 502^2, 507, 515, 522, 525^2, 529, 531, 533, 540, 541, 553, 555, 582, 583, 592, 595, 597, 605, 613, 619, 623, 627, 638, 639, 652, 658, 659^2, 667, 674, 677.
Wise (Wyse): David, in Kirkcaldy, denounced for illegal export of victual from Burntisland, 578.
—— John, "wobster," at Montrose, 161.
Wiseman, James, elder and younger, both at Kynedward, 46, 67.
Wishart, Elizabeth, Lady Balmonth, 38.
—— Gilbert, brother of the laird of Logie, 177.
—— John, 375.
—— John, gardener in Thurso, 830.
—— of Drymure, George, 584.
—— of Faisdo, Captain Alexander, in military service in the Low Countries, 144, 273, 466, 469, 470, 476–7, 489.
—— of Logie *or* Logiewishart, John, warded in the Castle of Edinburgh, 204, 660. *See also* Logie.
Wishart of Pittarro, justice of the peace, 266.
—— of that Ilk, John, 201, 206, 360, 652.
Witches: lxxxiii; commissions against persons suspected of being, and trials of the same, 4–5, 28, 76, 180, 231, 327, 329, 335, 388, 414, 478–9.
Witman, Robert, prisoner in the Tolbooth of Edinburgh, 350–1.
Wobster *alias* Robert, James, in Colleis Croce, 424.
—— *alias* Smyth, Thomas, collier, 27.
Wobsters. *See* Crafts.
Wodderspoon, James, servant of Thomas Blackie, 590.
Women: employed in washing their clothes at the lochside of Montrose, 161; cases of assault on, 586–7, 639; a woman charged with assault and violence, 596; statute of the General Assembly of 1616, anent the wives of noblemen and others who receive trafficking papists, &c., 599 n.
Wood against Martin, 19.
—— Mr. Alexander and Patrick, 163.
—— Captain, commanding one of the King's ships sent to the Isles, 162, 167, 199, 206, 419, 489, 759.
—— Cristeane, Lillias and Issobell, daughters of Wood of Largo, 135, 142.
—— David, sometime in Cowdeiscroce, 26.
—— George, at Kinghorn, 545.
—— George, town clerk of Selkirk, 793.
—— Harry, 272, 552.
—— Mr. James, 163.
—— John, in Kelso, 147, 153.
—— Patrick, servant of Creichton of Cluny, 84, 155, 175.
—— Robert, servitor to the laird of Innerwick, murdered by Adam Mylne, 205.
—— Robert, 300.
—— Robert, servitor of Wood of Bonytoun, 541.
—— William, in Bonassen, fined for resetting the Clan Gregor, 102.
—— of Balbegino, Sir John, 688.
—— of Balblane, William, servitor of Creichton of Cluny, 58, 155, 175.
—— of Bonyton, Sir Harrie, in a feud with Frances Ogilvie, 176, 268, 268–9, 525, 541, 658, 688, 797–8.
—— of Brunton, 470.
—— of Colpno, William, cautioner, 688.
—— of Craig, Richard, justice of the peace, 668.
—— of Fettercairn, Sir John, 208, 212, 351, 375, 688.
—— of Largo, Andro, 135; justice of the

peace for Fife and Kinross, 156, 265, 386; younger of Largo, Andro, 5–6, 27, 609, 659.
Wood of Letham, Harry, 486; justice of the peace, 668.
Woodend, William, in Towie, 112–13, 123.
Woodsdale, lands of, 276.
Woodstock, in England, royal warrant, &c. dated at, 624, 626.
Wool, lxx–lxxi; manufacture and exportation of, 273, 287–8, 288, 506–7, 572, 592–3.
Workman, James, cannoneer, 708.
Wright (Wricht): Alexander, portioner of Muncktoun, 426.
—— Andro, in Auldcly, 178.
—— Duncan, in Spittell, fined £20 for resetting the Clan Gregor, 225.
—— James, 452.
—— John, at the Brigend of Calder, 804.
—— John, a "fellow" of Aulay MacAulay, 461.
—— Robert, in Ballimacha, fined 50 merks for resetting the Clan Gregor, 225.
—— Robert, in Cowbog, 636.
Wrights, wages of, 708.
Wyld, James, merchant burgess of Edinburgh, 442–3.
Wylie, Alexander, servitor to James Primrose, 726, 844.
—— David, 272.
—— Thomas, bonnet-maker in the Canongate, 590, 614.

Yallowlees, John, 234.
Yarn, 281.
Yetts (Yettis): George, in Little Glen of Boghall, 617–18.
—— Patrick, brother of the above, 618.
Ylannoursay, the island of, off Islay, 759.
Ylantyrum, the residence of the Captain of Clanranald, 775.
Young, ——, a fugitive, 375.
—— Adam, sometime in Abirnie, 457, 470.
—— David, in Cavertoun, 643.
—— Dr., at St. Andrews, 588 n.
—— Euphame, in Cockburnspath, tried for witchcraft, 5.
—— James, tailor, burgess of Burntisland, 373.
—— James, bailie to the Earl of Winton, 571.
—— John, one of the King's Guard, 24.
Young, John, sheriff-clerk of Edinburgh, 197.
—— John, 376.
—— John, writer, 415.
—— John, mariner of Leith, 434.
—— John, 591.
—— John, in Cesfurd, 643.
—— John, in Ligartwod, 841.
—— Thomas, writer to the signet at Edinburgh, 39, 130, 141, 345, 451, 460, 470, 677, 687, 811.
—— Mr. Thomas, son of the above, appears as procurator for his father, 39, 130, 141, 425.
—— Thomas, in Fongorth, and his natural son William, 524, 526, 552.
—— Thomas, in Lyntoun, 636.
—— William, wobster in Clarebald, 170.
—— William, 212.
—— William, 272.
—— William, 331.
—— William, messenger, 633.
—— of Wilkieston, in Fife, Mr. George, member of the Privy Council and Admiral Clerk: vi, xiv; his death in December 1615, vi; present in Council, 11, 18, 89, 91, 93, 96^3, 99, 100, 105^2, 107, 108, 109, 112, 113, 115, 124, 127, 205, 206, 207^2, 209^2, 220, 241, 242^3, 243^2, 246^2, 247, 249^2, 251^2, 254^2, 255, 256, 261, 267, 293^2, 294, 295^2, 297, 298^5, 299, 300, 301^2, 302, 303^2, 304^2, 308^2, 309, 354, 358, 359, 360, 362, 363, 364, 372^2, 409, 412, 413, 414.
Young of Seton, Sir Peter, member of the Privy Council in the office of King's Almoner or "Eleemosgnar", v, xiv, xciv; 111; signs for Council, 5; present in Council, 1^2, 96^2, 99, 100, 105^2, 107, 108, 109, 112, 113, 115, 123, 197, 198, 199, 201, 203^2, 204, 205, 206, 207^2, 209, 210, 242, 243^2, 246^2, 247, 249^2, 251^2, 254^2, 255, 256, 299, 300, 301^2, 302, 303, 304, 308^2, 309^2, 312, 316, 318, 336, 340, 342, 348, 349, 352, 354, 355, 358, 359, 360, 262, 363, 364, 370, 372^2, 547, 548, 550, 553, 555, 556^2, 560, 561, 565, 566, 573, 575, 577, 580, 582, 583, 584, 585, 588, 592, 595, 605, 623, 627.
Youngson, Mr. Robert, minister at Clatt, released from confinement within his parish, 5 and 5 n., 19.
Yule, Adam, in Spott, 425.
—— Alexander, appears as procurator, 522.

EDINBURGH: PRINTED BY NEILL AND COMPANY FOR HER MAJESTY'S STATIONERY OFFICE.

BOSTON PUBLIC LIBRARIES CENTRAL